SEC. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation by electing one of their body president; and after such organization, a majority of said board shall be a quorum to do business.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other persons and officers necessary to carry into effect the provisions of this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws and regulations, and all orders for the payment of such allowances as may be made to their officers, and all others in their employment, which journal and proceedings shall from time to time be signed by their president; when the president is absent, they may appoint a president pro tempore, and shall fill all the vacancies that may occur in their body.

Sec. 5. The corporation shall cause books to be opened for subscriptions to the capital stock, at such time and at such places as they may choose, due notice of which shall be given; in each of the books the following entry shall be made: "We, the undersigned, promise to pay the sum of twenty dollars for each share of stock set opposite our names, in labor, materials, property, (personal or real) or money, (the value of labor, materials and property to be settled by the board of directors,) in such manner and at such times and proportions as the president and directors of the Madison, Lexington and Brownstown Turnpike Company may direct. Witness our hands, this——day of—— A. D. 18—."

Sec. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any state of the United States, on behalf of the same, to subscribe for any amount of capital stock; and the books shall be kept open for such space of time and at such place or places as the corporation may choose, and they may, by their agents, offer for sale in any other State, any amount of stock upon such terms and conditions as may be thought advisable, and they shall have power upon their own credit, to borrow money upon such terms, or raise means in such other way as may be agreed upon by the parties, or seems necessary to complete such road as is contemplated in this charter.

SEC. 7. As soon as five hundred shares are subscribed, it shall be the duty of the corporation to give three weeks' notice thereof in the nearest newspaper printed in the vicinity of said contemplated road, and in such notice to appoint a time and place for the stockholders to meet and elect nine directors, who shall be stockholders and citizens of the state, which election shall be by ballot, and conducted under the superintendence of one inspector and two judges, appointed by the stockholders present; and the persons having the highest number of votes shall be declared duly elected, and in all elections each share from one to ten shall entitle the holder to one vote, and every additional five shares to one vote only, to be given by the person owning the same or one of any partners,

or by the husband, father, mother, administrator, or executor, trustee or guardian, or by the agent of any corporation, and any person who may have a right to vote may vote by proxy.

Sec. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body president; and directors thus elected shall continue in office until the next annual election, and until their successors are elected and organized.

Sec. 9. All elections after the first, shall be held on the third Tuesday in February annually, under the direction of the stockholders, not directors at the time, to be appointed by the board at a previous meeting, or by the stockholders present, of which election notice shall be given; *Provided*, That if from any cause whatever there shall be no election held on the day appointed, it shall be lawful to hold the election on any other day, to be designated by the directors.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; they shall be signed by the president, and countersigned by the clerk; stock shall be transferable on the books of the corporation only, personally, or by an agent or attorney, or by the administrators, executors, trustees, or guardians; but such stock shall at all times be holden thereof to the corporation, or for any sum that may hereafter become due on a contract made prior to such transfer.

Sec. 11. The corporation shall have power to call for such part of the stock subscribed as may seem to them necessary to carry on the work, to be paid by the stockholders in labor, materials, property, or money, as shall have been designated by the party subscribing for such stock, to be paid at such time and place as the board of directors may designate, by giving sixty days' notice in one of the nearest newspapers to said route, or by giving written notice to the stockholders; in all such notices the amount demanded on each share, and the time and place of payment shall be set forth, and it shall be the duty of the board of directors to give to each person subscribing for stock in labor or materials the right to furnish the same upon the road most convenient to his premises; and if any stockholder shall neglect or refuse to pay or furnish such requisition within ten days after the time mentioned in such notice for such payment, the corporation shall have power to collect the same by an action at law in any court of competent jurisdiction, the same to be collected without the benefit of appraisment

Sec. 12. The corporation shall require of all officers and others in their employment, bond, with security to their acceptance, with such penalty or penalties as they may think proper, for the faithful performance of their respective duties.

Sec. 13. The corporation shall have power, by themselves or their agents, to examine, survey, and locate the route of said turn-

pike road from the city of Madison, Jefferson county, by the way of New Hanover, New Lexington, Vienna, to Brownstown, in Jackson county, and shall have the power to lay the same on any state or county road connecting said points, or may diverge from the same whenever it may appear to be for the interest of the company or public convenience.

SEC. 14. And for the purpose of making such examinations and location, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any lands to make survey and estimates, for the purpose of searching for stone, gravel, wood, or other materials necessary for the construction of said road.

Sec. 15. It shall be lawful for the corporation, either before or after the location of any section of said road, to obtain from the person or persons through whose lands said road may pass, a relinguishment of so much of said land as may be necessary for the construction of said road or location thereof, as also the stone, gravel, wood, timber, or other materials that may be obtained on said route, or near thereto, for the benefit of said corporation; and all such contracts, relinquishments, donations, gifts, grants, and bequests made and entered into in writing by any person or persons, capable in law to contract, made in consideration of such location or otherwise, and for the benefit of said corporation, shall be binding and obligatory, and the corporation may have their action at law in any court of competent jurisdiction to compel the observance of the same.

Sec 16. That in all cases where any person through whose land the road may run shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the township where such circumstance may occur, that such facts do exist, and such justice of the peace shall thereupon summon the owner of such land to appear before him on a particular day, within ten days thereafter, and summon a jury of twelve disinterested men of the neighborhood, (or a less number if agreed to by the parties,) who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the land and materials, and after taking into consideration the advantages as well as disadvantages said road may be to the same, report thereon whether such person is entitled to damage or not, and if so, how much, and shall file such report with the justice, whereupon said justice shall proceed to enter judgment thereon, unless for good cause shown, and in case either party should show sufficient cause why judgment should not be entered, the justice may grant a review of the premises, either with or without costs; Provided, That either party may, at any time after the rendition of such judgment, appeal to the circuit court as in other cases, and such court may confirm the judgment of the justice, or reappoint reviewers as above described, who may report at that or the ensuing term, in the discretion of

the court, and the judgment of the circuit court, when rendered, shall be final.

SEC. 17. And in all cases where the owner or owners of such land or materials be minors, idiots, or insane persons, or shall reside out of the county where the same may be, such justice shall cause three notices of the application and of the day fixed for the appointment of viewers, to be posted in three of the most public places in the township, and if no person shall appear on the day named in such notices, he shall proceed as if such person or persons had been duly notified to attend, and on such judgment being rendered, and the corporation complying therewith by the payment of costs and damages that may be awarded against them, the corporato n shall be seized of the lands or materials; costs shall be awarded against either party at the discretion of the justice.

SEC. 18. That when said corporation shall have procured the right of way as herein provided, they shall be seized in fee simple of the right to such land, and to the sole use and occupancy of the same for the purposes aforesaid, and no person, body corporate or politic, shall in any way interfere, molest, injure, or disturb any of

the rights and privileges hereby granted.

SEC. 19. The corporation shall cause said road to be opened not exceeding sixty feet wide, and at least sixteen feet shall be made an artificial road, and such road to be covered with gravel, sand, wood, stone, or such other materials as can best be secured, to be put on in as compact a manner as usual for such materials, and in no case shall the assent in the road be greater than an elevation of five degrees.

SEC. 20. The corporation shall commence the construction of said road within five years, and complete the same within twenty years; Provided, however, That if ten miles or more of said [road] shall be completed within the time aforesaid, the charter shall not

be forseited as to that part of the road so completed.

Sec. 21. So soon as the said corporation shall have completed thesaidroad as aforesaid, or any five continuous miles thereof, agreeable to the provisions of this act, they may then erect a gate or gates at suitable distances apart, not less than five miles, and demand and receive of persons traveling said road the tolls allowed

by this act.

Sec. 22. The following shall be the rates of tolls for each and every ten miles of said road, and in proportion for a greater or less distance, viz: for every four wheeled carriage, wagon, or other vehicle drawn by one horse or other animal, a sum not exceeding twenty cents; for every horse or other animal in addition, five cents; for every cart, chaise, or other two wheeled carriage or vehicle, drawn by one horse or other animal, not exceeding ten cents; for every sleigh or sled, drawn by one horse or other animal, five cents; for every horse or other animal in additon, five cents; for every coach, chariot, or other four wheeled pleasure carriage drawn by one horse not exceeding twenty cents; for each additional horse or other animal, five cents; for every horse and rider not exceeding ten cents; for every horse, mule, or ass, six months old and upwards, led or drove, not exceeding three cents; for every head of neat cattle, six months old or upwards, one cent; each hog or sheep, a half cent each; Provided, That all persons going to or returning from public worship, military men going to and returning from military duty, and all funeral processions, shall pass said road free of toll.

SEC. 23. If said corporation shall fail, for ten days in succession, to keep said road in repair, and complaint thereof be made to a justice of the peace of the proper county, it shall be his duty forthwith to summon three disinterested free holders to examine the same, and shall give notice to the toll gatherer at the nearest gate at the time, when the said freeholders will proceed to examine that part of the road complained of; and said freeholders after taking an oath faithfully and impartially to perform the duty hereby enjoined on them, shall proceed in the examination, and if they find said road out of repair, they shall certify it to said justice, who shall immediately transmit a copy of such certificate to the nearest toll gatherer to such defective part of the road, and from the time of receiving such notice, no toll shall be demanded or received for such part of the road until the same be put in complete repair under the penalty of five dollars for every such offence, to be recovered of said corporation with costs of suit, and for the use of the party aggrieved.

Sec. 24. If any person or persons using said road shall, with intent to defraud said company or to avoid the payment of toll, pass through any private way, gate, or bars, or along any other ground near to said turnpike gate, which shall be enclosed pursuant this act, or shall practice any fraudulent means, with intent to evade or lessen the payment of such toll, or if any person shall take another person off said road, with intent to defraud said corporation, each and every person concerned in such fraudulent practice, shall, for every such offence forfeit and pay to the corporation the sum of five dollars, without any benefit of appraisement or stay laws, to be recovered with costs of suit in an action of debt, at the suit of the corporation, before any justice of the peace in the county; Provided, That nothing in this act be so construed as to prevent persons along said road from passing about their premises between the gates on said road, upon ordinary business.

SEC. 25. The company shall put up a post or stone at the end of every mile, with the number of miles from each extremity. fairly cut or printed thereon, and also in a conspicuous place, near each gate, shall be placed a board with the rates of toll farly printed thereon, and all other necessary matter in relation to direction.

Sec. 26. Any person wilfully or negligently destroying, defacing, or removing any guide board, mile post, or stone, or list of rates of tolls erected on said road, shall, on conviction thereof before any justice of the peace or court having competent jurisdiction, forfeit and pay a sum not exceeding twenty dollars, to be recovered with

costs of suit, in an action on the case, at the suit and for the use of the corporation.

SEC. 27. If any toll gatherer on said road shall unreasonably detain any passenger after the toll has been paid or tendered, or shall demand or receive greater toll than by this act allowed, he shall, for every such offence, forfeit and pay a sum not exceeding ten dollars, to be recovered before any justice of the peace having competent jurisdiction, within twenty days after the occurrence.

Sec. 28. The corporation shall cause to be kept a fair account of the whole expenses of making and repairing the road, or any section thereof, with incidental expenses; and also a fair account of the tolls received, and the books of the corporation shall always be kept open for the inspection of an authorized agent of the state, or stockholders of said company, and the company shall have the right to sell the stock to the state upon such terms as they can agree.

Sec. 29. It shall be lawful for the board doing county business. in the several counties through which said road shall be located, for and in behalf of their respective counties, to authorize by an order as much of the stock taken as they may think proper.

Sec. 30. This act to be in force from and after its passage.

CHAPTER CVII.

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An act to incorporate the Liberty and Brownsville turnpike company.

[APPROVED FEBRUARY 12, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That James Leviston, Samuel McCollough, Wm. Hewett, Henry Rider, John Norris, Adam Mason, and Ambrose Ruby, of Union county and their successors in office, are hereby constituted a body corporate and politic by the name and style of the Liberty and Brownsville turnpike company, shall be able and capable in law and equity to sue and be sued, plea and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatsoever; to make and use a common seal, and the same to alter change or renew at pleasure, and shall be able and capable at law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules and regulations to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of the State of Indiana.

SEC. 2. The capital stock of said corporation shall be twelve thousand dollars, divided into shares of twenty-five dollars each.

SEC. 3. The directors in this act named, or a majority of them shall meet at such time and place as they may agree on, and organize said corporation by electing one of their body president, and after such organization any five of said board shall be a quorum to transact buisness.

SEC. 4. So soon as said company shall have duly organized themselves as aforesaid, they shall proceed to open books for subscription to the capital stock of said company, at Brownsville and such other places as they may deem proper, to receive subscriptions to the stock of said company, which books shall be opened at such time and under such regulations, as shall be directed by said com-

pany.

Sec. 5. That as soon as two hundred shares are subscribed for, and one dollar paid on each share to such person as may be appointed by said company to receive the same, it shall be the duty of said company to give four weeks' notice thereof in some public newspaper of this state, and in such notice appoint a time and place to meet and elect seven directors who shall be stockholders and citizens of this state; which election shall be held and conducted under the superintendence of two judges appointed by the stockholders present, and the persons having received the highest number of votes shall be declared duly elected. In all elections by the stockholders of said company, each stockholder shall be entitled to one vote for each share he may have subscribed for of the capital stock of said company, and the directors thus elected shall hold their offices until their successors are elected. All elections for directors to be by ballot, and each stockholder may vote in person or by proxy.

Sec. 6. The corporation or company aforesaid, shall be governed in all respects by the provisions of an act to amend an act entitled an act to incorporate the College corner and Liberty turnpike com

pany.

SEC. 7. That the corporation or company aforesaid shall have power and authority to examine, survey, mark, locate and construct a turnpike road from the town of Liberty to the town of Brownsville in the county of Union and State of Indiana.

Sec. 8. This act shall take effect and be in force from and after its passage, and shall be deemed a public act, and construed liber-

ally for all beneficial purposes.

CHAPTER CVIII.

An Act to authorize the Auditor of Hendricks County to sell certain lands.

[APPROVED FEBRUARY 6, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the auditor of the county of Hendricks be, and he is hereby authorized to cause to be appraised, any lands belonging to common schools in said county, which have heretofore been sold in pursuance of law, and which have become forfeited to the proper township, and reoffered for sale as provided in the 179th section of chapter 13 of the Revised Statutes of 1843, but could not be sold for the amount due thereon.

Sec. 2. Said lands shall be appraised by the township trustees of the township to which said lands belong, who shall, after being duly sworn, proceed to appraise the same, and file in the office of

said auditor a written statement of said appraisement.

Sec. 3. The auditor and school commissioner shall thereupon proceed and sell the same in the same manner as they are now authorized by law to sell lands belonging to common schools, except that the same shall be sold on a credit of ten years, one fourth of the purchase money shall be paid in hand, and interest on the residue for one year in advance, at the rate of seven per centum per annum, and annually thereafter in advance at the same rate.

Sec. 4. Said lands shall not be sold for a less sum than the ap-

praised value thereof.

Sec. 5. This act to be in force from and after its passage; and it is hereby made the duty of the secretary of state to forward a certified copy of this act to the auditor of said county of Hendricks.

CHAPTER CIX.

An Act in relation to the pay of Grand and Petit Jurors in certain Counties therein n amed.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That all county orders issued on the treasury in the counties of Spencer, Dubois and Crawford, for the payment of grand and pettit jurors, shall be redeemed by the treasurers of said counties in preference to any other orders on the treasury whether protested or otherwise.

SEC. 2. This act to be in force from and after its publication.

CHAPTER CX.

An Act to form a new school district from school districts No. one and No. four, in Congressional township No. two North, of range two East.

[APPROVED FEBRUARY 16, 1848.]

THE TANK THE Whereas it has been represented to this General Assembly by sundry citizens of Washington county, residing in Claysville and its vicinity, and in congressional township No. two north, of range two east, that in consequence of their local situation in the school district in which they live they are deprived, to a great extent, of the benefits of the school; Therefore,

SECTION 1. Be it enacted by the General Assembly of the State of Indiana, That a new school district be formed from school districts No. one and No. four in congressional township No. two north, of range two east, by cutting one hundred and ninety rods in width off the west side of school district No. one, and a strip half mile wide off the east side of school district No. four, said strips of land so cut off and composing said new school district, shall extend north and south through the whole length of said districts.

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SEC. 2. This act to be in force from and after its passage.

CHAPTER CXI.

An Act to legalize the assignment of a certificate for certain school land in Morgan County, and for other purposes.

[APPROVED FEBRUARY 16, 1843.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the assignment of a certificate issued by the school commissioners of Morgan county for the northeast quarter of the northeast quarter of section sixteen in township twelve north, of range two east in said county, from Joseph Culton to John Caldwell be, and the same is hereby legalized; and the auditor and school commissioner of said county are hereby authorized and empowered to execute a deed for said land to the heirs at law of said John Caldwell, (who is now deceased) their heirs or assigns so soon as they or any of them shall make full payment of the purchase money of said land, and all interest accrued or which may accrue thereon.

SEC. ? . This act to be in force from and after its passage.

CHAPTER CXII.

An Act to repeal part of an Act authorizing the State Bank of Indiana to lay off, plat, and record, in out lots, certain lands adjoining and lying near to the Town of South Bend in St. Joseph County.

APPROVED FEBRUARY 14, 1848.

Section. 1. Be it enacted by the General Assembly of the State of Indiana, That the proviso of an act entitled "an act authorizing the state bank of Indiana to lay off, plat, and record, in out lots, certain lands adjoining and lying near the town of South Bend in St. Joseph county," approved January 8, 1847, be, and the same is hereby repealed; and all laws and parts of laws which would have been in force but for said proviso, are hereby declared to be in full

Sec. 2. This shall be a public act and shall be in force from and after its passage.

CHAPTER CXIII.

An Act to authorize Peter Wise and others to build a mill dam across White River, in Hamentry and busy of hear year out weiver a trang hade disk of

han book es ha [APPROVED FEBRUARY 16, 1848.] densel emperomolisted

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Peter Wise, William Wise, John Wise, and John Morris Wise, be and they are hereby authorized to erect and maintain a mill dam across White river, in Hamilton county, at a place where said Peter Wise owns land bordering on said river, which dam shall not exceed three and one half feet in height.

SEC. 2. The said Peter Wise, William Wise, John Wise, and John Morris Wise, shall be entitled to all the benefits of the writ of

ad quod damnum for the purpose aforesaid.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CXIV.

An Act to legalize the assignment of a certificate for certain school land therein named.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the several assignments of the certificate of the school commissioner of Morgan county, for lot number 6, being the north-east quarter of the south-west quarter of section 16, township 13, north of range 2 east, in said county, be and the same are hereby legalized and made equally as valid as if originally made accord-

Sec. 2. This half he a public not and shall be in face from and

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXV.

An Act in relation to roads in De Kalb county.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly vf the State of Indiana, That when the board doing county business in the county of De Kalb shall grant a review upon any road in said county, the petitioners are hereby required to make the new road as good and convenient for travelers as the old road, before the latter shall be

where said Peter Wise owns less becaming on said river which

Sec. 21 The said Peper Wise, William Wise, John Wint, and or John Morris Wise, shall be encited to all the benefits of the vira of the

many training terms to manipulate men are specied at any of them whall

dam shall not skeet of three and one had feet in height. There we

Sec. 2. This act to be in force from and after its passage.

to execute a deed for said lot of land to James M. Sethers, the present holder of said certificity. IVX2 RAPTER CHAPTER CXVI. and the purchase or they shall pay or came to be paid the tull amount of the purchase

An Act to authorize a certain change in the Strawtown and Peru State road, in Hamilton ogazzaque i vetta bar County, eviel ai ed of toa eid T. . 9 . oze

[APPROVED FEBRUARY 16, 1848.]

Section 1, Be it enacted by the General Assembly of the State of Indiana, That Peter Case, of Hamilton county, be and he is hereby authorized to make the following change in the Strawtown and Peru state road, to wit: commencing where said road crosses the open line running north and south in section number 34, in township number 20, north of range number 5 east, and running thence north, with said line, (on the west side thereof,) so as to intersect said road ten poles north from where said road crosses the section line dividing sections number 34 and 27, in township number 20 north, of range number 5 east.

SEC. 2. Provided, Said change shall not be made until said Peter Case shall first clear out and open the road on said contemplated change, and make it in all respects as good for travel as said

road is at the time of making said change.

Sec. 3. As soon as said Peter Case shall obtain a certificate from the supervisors of the proper districts in which said change is made, certifying that said road has been opened as in the preceding section required, then said change is therefore declared to be fully made.

SEC. 4. This act to take effect and be in force from the after its passage.

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APPROVED FEBRUARY M 1815.1 ac-

Secrees 1. He st react the CHAPTER CXVII.

An Act to legalize the transfer of a certificate for certain school lands in Morgan county, agesting at 100 and for other purposes, mi od ot ton aid T & was

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the several assignments of a certificate of the school commissioner of Morgan county for lot number 11, in school section number 16, in township 13 north, of range 2 east, in said county, be and they are hereby legalized and made equally as valid as if originally made according to law. And the auditor and school commissioner of said county are hereby authorized and empowered

to execute a deed for said lot of land to James M. Sethers, the present holder of said certificate, his heirs and assigns, so soon as he or they shall pay or cause to be paid the full amount of the purchase money for said land, and all interest accrued or to accrue thereon.

Sec. 2. This act to be in force from and after its passage.

A fit if anadel by the thursel distribly of the State of That he let Care for Manuflon county, he and he is bearly

CHAPTER CXVIII.

An act to change the name of Malisea Davis to Malissa Emeline Miller.

to dron of as [APPROVED FEBRUARY 14, 1848.) and and another gri

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the name of Malissa Davis of Floyd county, be, and the same is hereby changed to that of Malissa Emeline Miller.

Sec. 2. This act to take effect and be in force from and after its Sac. 8. As soon as said leter Case shall obtain a core at S.

from the supervisors of the proper districts in which said change in

CHAPTER CXIX.

Spec 4. This set to take affect and be in face from the after its

An act to repeal an act vacating a part of the town of Milford in Kosciusko county.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That an act entitled "an act to vacate a part of the town of Milford in Kosciusko county," approved January 26, 1847, be and the same is hereby repealed.

Sec. 2. This act to be in force from and after its passage.

if originally made according to law. And the auditor and school commissioner of said county are hereby authorized and empowered

CHAPTER CXX.

An act to authorize John Webster to build a mill dam across the Little St. Joseph river in DeKalb county.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That John Webster of the county of DeKalb in the State of Indiana, be, and he is hereby authorized to build a mill dam across the Little St. Joseph river, near where said river crosses the state line, and the said John Webster, his heirs or assigns shall be allowed to keep up the aforesaid dam.

SEC. 2. The said dam shall not be constructed over six feet high

measuring from low water mark.

SEC. 3. This act to take effect and be in force from and after its

CHAPTER CXXI.

An act to authorize Nottingham Merser to build a mill dam across the Wabash river in Adams county.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Nottingham Mercer, of the county of Adams, and State of Indiana, be, and he is hereby authorized to build, maintain, and keep up a mill dam across the Wabash river at or near Jamestown in the county of Adams aforesaid, Provided, Said dam shall be so constructed as not to interfere with the free navigation, of rafts, flat boats and other water crafts.

SEC. 2. This act to take effect and be in force from and after its

passage.

CHAPTER CXXII.

An act to locate a State road in the counties of St. Joseph and Laporte.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That James S. Parnell of the county of St. Joseph, be and he is hereby appointed a commissioner to view, mark, and locate a state road, commencing at a point on the county road leading from Independence to Terre Coupee prairie in St. Joseph county, and running west from said point, on the centre line through sections nine (9,) ten, (10,) and eleven, (11,) or as near to said line as practicable to the west line of said section nine, of township thirty-seven (37,) north of range one west, in Laporte county, and thence on the most suitable ground to the range line, near the house of Jesse N. West, thence west by the section line to the Chicago road near the village of Byron.

Sec. 2. Said commissioner shall on the first day of February 1848, or on some subsequent day, after taking an oath faithfully and impartially to discharge the duties assigned him by this act, before some acting justice of the peace, proceed to view, mark, and locate the aforesaid road, and shall within ten days after the completion of the same, file a report of the proceedings with a correct plat of said road, in the Auditor's offices of the counties in which said road is situated, which report shall be recorded in the record books of the boards doing county business in said counties.

Sec. 3. Said commissioner is hereby empowered to employ such assistance as he may deem necessary in the location of said road, including a competent surveyor; and the boards doing county business in the respective counties shall make such allowance for said services as to them shall seem just and reasonable; and shall cause the aforesaid road to be opened and worked as other roads are worked in the respective counties by the supervisors in whose districts said road may run.

Sec. 4. This act to take effect and be in force from and after its passage.

CHAPTER CXXIII.

An Act to incorporate the German Evangelical Lutheran St. John's Church in Dearborn county.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Christian Stoelting, August Fahe, Ernest Frante and Charles Drege, and their successors are hereby constituted a body politic and corporate, and shall be known by the name and style of "The German Evangelical Lutheran St. John's Church" (in Cæsar's Creek township, Dearborn county,) and by said corporate name may sue and be sued, plead and be impleaded in any court in this state; and by that name may be capable of purchasing, holding, bargaining, and selling any property, either real or personal, for the use of said church, both by legal and equitable title, not to exceed in value the sum of ten thousand dollars; and to have perpetual succession according to the usages and government of the Evangelical Lutheran denomination of christians.

Sec. 2. This act to take effect and be in force from and after

its passage.

CHAPTER CXXIV.

An Act to locate a State Road in the counties of White and Carroll.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Mordechai Ellis and John Armstrong, of the county of Carroll, and Henry Ensminger of the county of White, be and they are hereby appointed commissioners to view, mark and locate a state road as follows: commencing at the Monticello and Rochester state road where the said road crosses the half mile line West of the range line dividing range two and three West, in White county, thence near George Horner's in said county of White, thence on said half mile line, or as near as practicable, to a place at or near Riley Carson's in the county of Carroll, where the said road shall terminate, intersecting the Pittsburgh road in said county of Carroll.

Sec. 2. The commissioners shall meet at the house of Henry Ens-

Sec. 2. The commissioners shall meet at the house of Henry Ensminger in the county of White, on or before the first day of June next, and proceed to locate said road as is provided in the first sec-

tion of this act, a statement of which shall be filed in the office of the auditor of each county aforesaid through which said road shall

Sec. 3. The board doing county business in the counties aforesaid shall make such allowance for their services as may seem just

and reasonable.

Sec. 4. This act to be in force from and after its passage.

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CHAPTER CXXV.

An Act to locate a State Road in the county of Posey.

[APPROVED FEBRUARY 11, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That John Woody, Henry Stripe, and Sylvanus McFarland, of the county of Posey, be and they are hereby appointed commissioners to view, mark, and locate a state road as follows: commencing at the mouth of the Wabash river, thence through the county of Posey, and to terminate at the town of Mt. Vernon in said county of Posev.

SEC. 2. The commissioners shall meet at the town of Mt. Vernon in the county of Posey, on or before the second Monday of August next, and proceed to locate said road as is provided in the first section of this act, a statement of which shall be filed in the office of the auditor of said county of Posey through which said road shall

Sec. 3. The board doing county business in the county aforesaid shall make such allowance to said commissioners for their services as may seem just and reasonable.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CXXV.

An Act to repeal "an Act providing for the election of Supervisors of Highways in the Counties of Decatur, Jefferson and Spencer," approved December 26, 1844.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the "act to amend an act providing for the election of supervisors of highways in the counties of Decatur, Jefferson and Spencer, approved December 26, 1844," be and the same is hereby repealed so far as it relates to the township of Republican in Jefferson county. This act shall be in force from and after its passage, and the former act is hereby revived so far as it relates to said Republican township.

CHAPTER CXXVI.

An Act vacating a certain State Road therein named.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the state road heretofore located, from "Alfred Makepeace's mill, in Madison county, running East on the township line, between townships nineteen and twenty North, until it strikes White river, thence along the meanders of said river to Muncie, in Delaware county," be and the same is hereby vacated.

SEC. 2. This act to take effect and be in force from and after

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CHAPTER CXXVII.

An Act to relocate part of the state road from Harrison to Indianapolis.

[APPROVED FEBRUARY, 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Alvin G. Tebbs, John Godly, and George Bowlby, of the county of Dearborn, be and they are hereby appointed com-

missioners for the purposes herinafter named.

SEC. 2. Said commissioners, after being duly qualified, shall, as soon as practicable, after the taking effect of this act, proceed to view, mark, and locate a new route for part of the state road from Harrison to Indianapolis, lying in the county of Dearborn, to-wit: commencing at or near the canal bridge, on the north side of the White Water Valley Canal, near the house of William Pursel, making said road to run on the river side of said canal, as close to it as convenient, and continue it up the canal, through the lands of said Pursel, Thomas M. Brackenridge, and William P. Marshall, until it intersects the mian road again.

SEC. 3. The said commissioners shall, within thirty days after viewing and marking the same, file a report and description thereof in the auditor's office of Dearborn county, who shall record the same in the record book of the board doing county business, imme-

diately thereafter.

SEC. 4. After such report shall have been made and filed, it shall be lawful for any person or persons interested therein, to clear out and open said road; and it shall be the duty of the county commissioners to cause the same to be established and kept in repair as other state roads are.

Sec. 5. The said commissioners shall be allowed a reasonable compensation for their services, to be paid out of the county trea-

surv of Dearborn county.

Sec. 6. That so much of the state road, leading from Harrison to Indianapolis, as lies between the commencement and termination of the new route provided for in this act, be, and the same is hereby vacated, after the new route is opened and made passable.

SEC. 7. This act to be in force from and after its publication.

CHAPTER CXXVIII.

An Act to authorize William Harner to convey certain real estate.

ABARA LABORIO GARA [APPROVED FEBRUARY 16, 1848.] 193 Joseph S. elitera

Whereas, It is represented to this General Assembly that John Harner, late of Washington county and State of Indiana, deceased, in his lifetime did sell certain real estate, and execute title bonds for the conveyance of the same, but died without having received the entire consideration therefor, or conveying the same; therefore,

Be it enacted by the General Assembly of the State of Indiana, That William Harner, administrator of the estate of said John Harner, be and he is hereby fully authorized and empowered, in his own name, to convey by deed, all or any real estate which may have been sold by said John Harner, and which he did not convey to the purchasers or their assigns respectively in accordance with their contract, and said deed of conveyance so made by the said William Harner shall pass to the grantee all the title, whether legal or equitable, belonging to the said John Harner at the time of his death, to all intents and purposes as though the said John Harner had executed and acknowledged a like deed before his death.

This act to be in force from and after its passage.

CHAPTER CXXIX,

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An Act amendatory to an act entitled "an act giving further time for the settlement of the revenue of Delaware county."

[APPROVED FEBRUARY 1, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That an act entitled "an act giving further time for the settlement of the revenue of Delaware county," approved December 16, 1847, be so amended in the first section as that the words "first Monday of May" shall read "third Monday of April," and the words "fourth Monday of May" to read "first Monday of May."

Sec. 2. Amend the second section of said act so that the words "first Monday of April" shall read "first Monday of March," on which day the treasurer of said county shall proceed to sell the delinquent lands of said county, and continue from day to day until all

are offered for sale; and the list of delinquent lands already published in said county is hereby legalized, and shall to all intents and purposes apply to the sale of said lands at the time above referred to.

Sec. 3. It shall be the duty of the treasurer to advertise in at least three places of each township in said county the above amendments at least ten days previous to the day of sale of said lands, and it is hereby made the duty of the secretary of state to forward to the treasurer of Delaware county a certified copy of this act.

CHAPTER CXXX.

An Act to incorporate the Clay Cotton Mills.

[APPROVED FEBRUARY 15, 1848.]

Be it enacted by the General Assembly of the State of Indiana, That John J. Jacobs, Joshua B. Bowles, Alfred Thurston, Chapman Coleman, William Richardson, E. W. Ginness, William Garvin, Abel C. Pepper, and Pinckney James and their associates, successors, and assigns be and they are hereby made a corporation by the name of the "Clay Cotton Mills," for the purpose of manufacturing cotton and woolen goods in the county of Perry, Indiana, and for this purpose shall have all the powers and privileges and be subject to all the duties and requisitions of the act of the General Assembly of 1843, chapter 32 article 2d, relating to corporations.

The capital stock of said corporation shall not exceed five hundred thousand dollars, and the corporation may be seized and possessed of such real estate as may be necessary and convenient for the purposes aforesaid, not exceeding fifty thousand dollars in value, exclusive of buildings and improvements made thereon by the cor-

poration.

This act shall take effect and be in force as a public act for the term of fifty years from and after its passage, unless said corporation shall be sooner voluntarially dissolved by the stock-holders, in which case due public notice thereof shall be given.

CHAPTER CXXXI.

An Act for the relief of Charity Forden, of Daviess county.

[APPROVED FEBRUARY 11, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the board of commissioners of the county of Daviess, be and they are hereby authorized to allow Charity Forden, of the county aforesaid, such annual or semi-annual allowance for the support of her daughter Mary Forden, an idiot, as said board may, in their discretion, deem necessary for such purpose.

SEC. 2. This act to be in force from and after its passage; and it shall be the duty of the secretary of state forthwith to transmit a copy of this act to the auditor of the said county of Daviess.

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CHAPTER CXXXII.

An Act declaring a misprint in the first section of an act of the Local Laws of 1347, in relation to the surplus revenue agent of Perry county.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the word "seventy-seven" (77) in the first section of an act of the Local Laws of 1847, entitled "an act in regard to the former surplus revenue agent (John Elder) in Perry county, and his securities," approved January 21, 1847, be and the same is hereby declared to be a misprint, and that the same should have been "twenty-seven" (27.)

SEC. 2. That all acts done and performed under said act to which this is amendatory shall be as valid and legal to all intents and purposes as if said misprint had not been made.

Sec. 3. This act to take effect and be in force from and after its passage.

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CHAPTER CXXXIII.

An Act to repeal an act therein named.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the act entitled "an act to authorize the people of the several townships of the several counties to prohibit the retailing of spirituous liquors," approved January 28, 1847, be, and the same is hereby repealed, so far as it relates to the counties of Warrick and Posey.

Sec. 2. And the law that was in force previous to the passage of said act be, and the same is hereby revived, so far as the said counties of Warrick and Posey are concerned.

SEC. 3. This act to take effect and be in force from and after its passage, and publication in the "Indiana State Sentinel."

CHAPTER CXXXIV.

An Act to provide for the construction of a rail road from Martinsville, in Morgan county, to Point Commerce, in Green county.

[APPROVED FEBRUARY 15, 1848.

Section 1. Be it enacted by the General Assembly of the State of Indiana, That all the provisions, rights, privileges, powers, and immunities enacted, granted, and provided by an act of the General Assembly of this state entitled "an act to provide for the continuance of all or any part of the public works of this state, by private companies, and for abolishing the board of internal improvements, and offices of fund commissioner and chief engineer;" approved January 28th, 1842, to private companies, for the construction or repairing any one or more of the works of internal improvements referred to in said act be, and the same are hereby granted, enacted and conferred upon, and vested in any number of persons who, may, in accordance with the provisions of said act, and of this act, associate themselves together for the purpose of constructing said rail road from Martinsville to Point Commerce, except as in this act altered and restricted.

Sec. 2. That the association to be formed for the purpose aforesaid shall be styled "the Martinsville and Point Commerce Rail Road Compan,"y and by such name shall contract and be contracted with, sue and be sued and, when organized under the provisions of this act, and of the act in the first section above referred to, shall have full power and authority to do and perform all and every act or acts, and every other thing or matter necessary to be done, under the provisions aforesaid, for the construction and completion of said rail road.

SEC. 3. That J. F. Allison, John Yarnell and David Shepherd, of the county of Green; N. Allison, H. P. Isaacs, William E. Taylor, William M. Franklin, William Alexander, jun., Joseph E. Goss, Jefferson Wampler, of Owen county, P. M. Parks, James M. Mitchell, and William G. Quick, of Morgan county, or a majority of them be, and they are hereby, appointed commissioners to open books at suitable places in said state, or elsewhere, for the subscription of the capital stock of said company, at any time within three years from the passage of this act, after having given three weeks' public notice of the times and places of the opening of said books, by publication in some newspaper in said state.

Sec. 4. That the capital stock of said company shall consist in subscriptions of stock, to be subscribed in money, labor, or materials, for the construction of said work, or lands, to be subscribed, and holden and appropriated, as by the act in the first section referred

to, is provided and appointed.

Sec. 5. The capital stock of said corporation shall be two hundred thousand dollars, divided into shares of fifty dollars each, with power on the part of said corporation to increase the capital stock, if necessary, to complete and accomplish the objects herein contemplated. And, whenever twenty thousand dollars of said capital stock shall have been subscribed, as the capital stock of said company, and paid, or secured to be paid, or transferred to the commissioners aforesaid, or a majority of them, then the said commissioners, or a majority of them, shall order an election of directors of said company, according to the provisions of the act aforesaid.

Sec. 6. The said company and directors thereof shall thereafter proceed to mark and lay out said road, on the nearest and best route, by the way of Gosport and Spencer, in Owen county, so as to intersect the extension of the Wabash and Eric canal at or near Point Commerce, in the county of Green; and in the construction thereof, and when fully constructed, shall be governed by the provisions of the act above referred to, except as herein modified; Provided, That all publications required to be made by said company, shall be made in some newspaper published in the vicinity of the contemplated route of said road, or at Indianapolis.

Sec. 7. The company aforesaid shall commence the construction of said road within five years after the passage of this act and

complete the same within ten years thereafter.

Sec. 8. That nothing in this act shall be so construed as to au-

thorize said company to issue scrip on any stock subscribed.

SEC. 9. Whenever said corporation shall violate the provisions of this act, the legislature reserves the right to alter, amend or repeal said charter; and in case of the repeal at any time of the corporate powers hereby vested, the assets of said corporation, over

and above its liabilities, shall revert to the stockholders in proportion to the stock by them held.

SEC. 10. This act shall be deemed and taken to be a public act, shall be favorably construed, and be in force from and after its passage.

CHAPTER CXXXV.

An Act to authorize the sale of a certain town lot therein named.

[APPROVED FEBRUARY 16, 1848.]

WHEREAS, Thomas Dewey, late of Vanderburgh county, Indiana, formerly a subject of the crown of Great Britain, but at the time of his death a duly naturalized citizen and resident of the United States of America, was at the time of his death seized in fee of one fourth part of lot No. 29, in the lower enlargement of the city of Evansville; And Whereas, the said Thomas Dewey, in the year 1845, died intestate, leaving to survive him his wife and three children, his only heirs at law in the United States, all of whom died intestate within one year after the death of the said Thomas; And Whereas, the said Thomas Dewey left surviving him one son, to wit, Thomas Dewey, junior, who, at the time of the death of the said Thomas Dewey, senior, was, and who still is, a resident and citizen of England; AND WHEREAS, by the death of all the heirs at law of the said Thomas Dewey, senior, resident in the United States, said property has escheated to the State of Indiana; therefore,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Robert Nightingale, of Vanderburgh county, be, and he is hereby, authorized and empowered to sell for cash all the estate which the said Thomas Dewey, senior, had at the time of his death in said lot No. 29, in the lower enlargement of the city of Evansville, first giving notice of the time, place, and terms of such sale by publication, for three weeks successively, in some public newspaper published in said county.

Sec. 2. Before the sale provided for in the first section of this act shall be made, the said Robert Nightingale shall file in the probate court of Vanderburgh county a bond, payable to the State of Indiana, in double the value of the property to be sold, with sureties to be approved by the said court, and conditioned for the faithful discharge of the trust hereby committed to him, and for the pay-

ment of the proceeds of such sale, after deducting the necessary expenses thereof, to the said Thomas Dewey, junior, or to such person as shall be duly authorized to receive the same in his behalf.

SEC. 3. After such sale shall have been made as aforesaid, the said Robert Nightingale shall execute and deliver to the purchaser or purchasers of the property aforesaid a deed in fee simple therefor, and thereupon all right, title, and estate which the State of Indiana has to and in said property shall vest in such purchaser or purchasers.

CHAPTER CXXXVI.

An Act to locate a state road in Madison and Hamilton counties.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Elias Hoddy, of Hamilton county, Thomas L. Beckwith and William Shaw, of the county of Madison, be, and they are hereby, appointed commissioners to view, mark, and locate a state road, commencing where the state road leading from Strawtown, in Hamilton county, to Andersontown, in Madison county, crosses the line dividing said counties, running thence north on the line dividing said counties to the south line of Hugh Johnson's lands, thence west twenty rods, thence north to the state road leading from Strawtown up Duck creek.

Sec. 2. It shall be the duty of said commissioners, or a majority of them, to meet in Perkinsville, in Madison county, on or before the first day of July, 1848, and, after first having been duly sworn or affirmed by some person legally authorized to administer oaths, proceed to view, mark, and locate said road.

SEC. 3. Said commissioners shall employ a surveyor and chain carriers for the purpose of locating said road, who shall severally receive for their services such sum as the county board of Madison county shall deem to be reasonable, which sums, together with all other expenses attendant upon the location of said road, shall be equally borne by the said counties of Madison and Hamilton.

Sec. 4. Said commissioners shall at the first session of the boards of commissioners of said counties of Madison and Hamilton, after the completion of said location of said road, report to said boards severally their proceedings in said location, the field notes thereof, the number of days which they and each hand under them have been employed in such location, the names of the commissioners

acting, and also the names of the hands employed, and said commissioners shall be allowed the sum of one dollar and fifty cents each per day, for each and every day necessarily engaged in making said location and report.

Sec. 5. It shall be the duty of the auditor of Madison county forthwith after making of the allowance aforesaid, to certify the same to the board of commissioners of Hamilton county, the names and amounts allowed to each claimant by the board of commissioners of Madison county, one half of which amounts shall be allowed and paid by the county of Hamilton.

Sec. 6. This act to take effect and be in force from and after its passage.

CHAPTER CXXXVIII

An Act to provide for the election of township assessors and collectors in Jennings county, and for other purposes.

[APPROVED FEBUARY 12, 1848.]

Section 1. Be it enacted by the General Assemby of the State of Indiana, That the qualified voters of the respective townships in the county of Jennings shall elect one township assessor in each township on the first Monday in April succeeding the expiration of the term of service of the present county assessor, and on every first Monday in April thereafter; and such township assessor when so elected, shall hold his office for the term of one year, and until his successor shall be elected and qualified.

Sec. 2. Whenever any vacancy shall happen in the office of township assessor in said county, from any cause whatever, the auditor of said county shall appoint some suitable person to fill said vacancy, who shall hold his office until the next annual election for such officers.

Sec. 3. The township assessors elected under the provisions of this act, shall in all respects be governed by the laws now in force in this state in relation to county asssessors so far as the same do not conflict with the provisions of this act, and shall receive for their services one dollar per day for each day employed in taking the assessment, copying and returning the same to the county auditor's office, which return shall be accompanied with a statement of the number of days so employed, and verified by oath or affirmation of the assessor claiming the allowance therefor, which oath shall be administered by the county auditor.

Sec. 4. Every township assessor shall, between the first Monday

of May and the first Monday of June annually, take an assessment of all the property in his township, subject to taxation, in the same manner as county assessors are now requiried to do by law, and shall return the same to the office of the county auditor of said

county, on the first Monday of June annually.

Sec. 5. Said township assessors shall meet at the auditor's office on said first Monday of June in each year, and together with the county auditor and county commissioners, shall form a board of equalization, to compare and equalize the county assessment, which, when so equalized, shall be ordered on file in the office of the county auditor.

Sec. 6. The township assessors elected under the provisions of this act, shall, before entering upon the discharge of the duties of their office, give bond with sureties, to be approved of by the county auditor, and in a sum to be fixed by him, payable to the State of Indiana, for the faithful performance of their duties, which bond shall be filed in the auditor's office, and shall also take an oath as now required of county assessors.

Sec. 7. There shall also be elected by the qualified voters of their respective townships in said county, on the first Monday in April succeeding the expiration of the term of service of the present county treasurer of said county, and every first Monday of April thereafter, one township collector for each township, who shall serve as such for one year, and until his successor is elected and qualified.

Sec. 8. Whenever any vacancy shall happen in any of said offices, the county auditor of said county shall appoint some person to fill said vacancy, who shall hold said office until the next regular election as though he had been elected by the people.

Sec. 9. The township collectors so elected, shall, before entering upon the duties of their respective offices, give bond made payable to the State of Indiana, in double the amount of the money that may probably come to their hands, by virtue of their office, and conditioned for the faithful and honest discharge of their duties, with freehold security, to be approved of by the county auditor, which, when so approved, shall be filed in his office; and they shall also take an oath for the faithful and honest discharge of their duties during their continuance in office.

Sec. 10. The township collectors shall call on all the persons charged with taxes on their duplicates, residing in their respective townships, and inform them of the amount of their tax, between the first day of November and the 25th day of December in each year.

Sec. 11. The township collectors shall, between the 25th day of December and the first Monday of February annually, collect all the taxes charged on his duplicate what has not been previously paid, and shall have full power in all respects therein, in their respective townships, as county treasurers now have by law, and shall make return and payment to the county treasurer of all moneys coming to their hands, by virtue of their office, on or before the first Monday of February annually, and for the amount thereof. the county treasurer shall give duplicate receipts, one of which

shall be filed with the county auditor; and said township collectors shall be allowed for their services the sum of five dollars on each one hundred dollars collected.

SEC. 12. The township collector shall be governed in all other respects by the laws now in force governing county treasurers, so far as the same do not conflict with the provisions of this act.

SEC. 13. The qualified voters of said county shall, on the first Monday of August, at the expiration of the term of office of the present incumbent, and every three years thereafter, elect a county treasurer, who shall receive and disburse all state, county, road, and other taxes assessed and collected in the county; also all the trust, three per cent., seminary, and school funds, and shall perform all the duties that are now performed by the school commissioner of said county, and perform all the duties now required by law for county treasurers, except such as are assigned by this act to township collectors.

SEC. 14. The county treasurer shall perform all the duties of school commissioner after the expiration of the term of service of the present school commissioner of said county, and until the provisions of the 13th section of this act shall take effect, and shall give bond in the same manner as school commissioners are required to do.

Sec. 15. The county treasurer, elected under the provisions of this act, shall give bond, payable to the state of Indiana, in double the sum that may probably come to his hands by virtue of his office, signed by not less than five freeholders as sureties, to be approved of by the board of county commissioners of said county, and filed in the auditor's office, and he shall receive one and one-half per centum upon all moneys by him received, to be paid in the same manner as county treasurers are now paid by law, which shall be in full compensation for his services for receiving and disbursing said moneys, and shall be subject to the same penalties that county treasurers are by the law to which this is an amendment.

Sec. 16. The county auditor shall perform all the duties necessary to carry into effect the requirements of this act; Provided, That nothing in this act shall prevent any constable of the organized townships of said county from holding the office of township assessor or township collector; Provided further, That nothing in this act shall prevent the people from paying their taxes at the county treasurer's office.

SEC. 17. This act to take effect and be in force from and after its passage.

CHAPTER CXXXVIII.

An Act to authorize a Company to construct the Aurora and Laughery Turnpike.

APPROVED FEBRUARY 15, 1848.

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Johnson Watts, William H. Fox, William H. Davidson, John McConnell, George Greer, Martin Trester, James W. Gaff, and Thompson Dean, of Dearborn county, and Hiram Hart, and Michael Fall, of Ripley county, and their associates and successors be, and they are hereby constituted a body politic and corporate under the name of the "Aurora and Laughery Turnpike Company," and by that name may contract and be contracted with, sue and prosecute and be sued and prosecuted to final judgment and execution in all courts having competent jurisdiction; and do and perform all other things lawful for such company to do; and they are hereby invested with all the powers and privileges in any wise necessary and expedient to carry into effect the proper business of the association.

SEC. 2. The capital stock of said company shall consist of the sum of forty thousand dollars, which may be increased at any time to any sum not exceeding double that amount, that may be deemed necessary to carry into effect the legitimate objects of said company, and said stock shall be deemed as personal property.

SEC. 3. Said stock shall be divided into shares of twenty-five dollars each, and may be taken by any individual, corporation, company, township, or county, to be paid for in cash, at such time, in such proportion, and upon such notice as the board of directors hereinafter provided, may determine, the call being equal upon all the stockholders.

SEC. 4. Any three of the persons named in the first section of this act, shall constitute a quorum for doing business; and so soon as may be by them determined, shall, after giving twenty days public notice of the time and places thereof, proceed to open books for subscription to the capital stock, and to do all other things necessary for the full organization of the company.

SEC. 5. In case a quorum shall fail to attend at the time and place agreed upon, those attending may either adjourn to another day, or they may consider the station of the absentees or any of them as vacated, and appoint some other proper person, or persons to fill the same.

Sec. 6. So soon as may be deemed expedient after twenty thousand dollars of the capital stock shall have been subscribed, said commissioners shall, by giving twenty days public notice thereof, appoint some suitable time and place for holding an election for seven directors, each of whom shall be a stockholder to the amount of at least two shares; said commissioners shall in all things man-

age such elections, and give proper certificates to those elected, who shall hold their offices for one year, and until their successors are duly elected and qualified.

SEC. 7. At said election and at each subsequent election, each stockholder shall have one vote for each share, and each stockholders may vote in a second stockholder.

ders may vote in person or by proxy, given in writing.

SEC. 8. The time, place, and manner of holding all subsequent elections of directors, shall be regulated by the by-laws of the company, except the election shall be annually as near as may be.

Sec. 9. So soon as the first board of directors shall have been elected and sworn into office, said commissioners shall deliver over to them the subscription books, together with all other things belonging to the company; said directors shall choose a president, secretary, and treasurer from their own body; and this mode of organization and qualification shall be observed and continued by each subsequent board of directors; and a majority of said directors shall constitute a quorom to do business, and supply any vacancies that may occur in their own body.

SEC. 10. Said company shall have power to view, mark, locate, and construct a turnpike road from Aurora, via George Randalls farm, and Dillsborough, in Dearborn county, to the point where Cæsar's creek empties into Laughery creek, in Ripley county, and in constructing said Turnpike, may follow such plans and use such materials as they may deem most expedient; and if it shall be found necessary and advantageous to the location and construction of said turnpike road, the company shall have the right to lay the same

along and upon any state or county road.

SEC. 11. Said company may adopt such rules and regulations, and make such by-laws as, in their judgment, the business and affairs of the company require, and such as are expedient to perform the duties and carry out the powers vested by this act.

SEC. 12. They shall also have power to appoint all needful officers, agents and operatives, and require them, or any of them,

to give such bonds as may be deemed necessary.

Sec. 13. To enforce the payment of all stock subscriptions at such time and places, and in such proportions as may be directed; which payment may be enforced by forfeiture of the stock to the company, together with any payment made thereon, or by suit.

Sec. 14. To issue certificates of stock and to regulate the mode

of transferring the same.

Sec. 15. To acquire, lease, sell, and dispose of such real estate

as may be expedient for the interest of the company.

Sec. 16. To enter upon and take possession of all land and materials necessary for the location and construction of said road and its appendages, and to keep the same in repair, being accountable to the owners of land and materials for the reasonable value thereof.

SEC. 17. To erect, continue, and keep toll gates, and to establish, charge, and collect tolls of all persons using said road.

SEC. 13. To make and declare dividends of the profits to the holders of the stock, and to do all other things proper to carry out the

intent and meaning of this act.

SEC. 19. That in all cases when any person, through whose land said road may run, shall refuse to relinquish his land, or permit the company to occupy the same; or when a contract with the parties cannot be made, it shall be lawful for the company to give notice to some justice of the peace in the township where such circumstances may exist, or occur; and such justice shall thereupon summon the owner of the land to appear before him on a certain day within ten days thereafter, and shall call before him a jury of six disinterested men of the neighborhood, or such number as may be agreed upon by the parties, who shall, after having taken an oath faithfully and impartially to assess the damages, if any, view the land and materials; and after taking into consideration the advantages and disadvantages the road may be to the same, shall report thereon, whether such person is entitled to damages or not, and if any, what amount, and file such report with such justice, whereupon such justice shall enter judgment thereon, unless for good cause shown, or unless the damages shall exceed the sum of one hundred dollars. In case the damages exceed the sum of one hundred dollars, it shall be the duty of such justice to file the same, properly certified, in the circuit court of the proper county, and judgment shall be had thereon in the same manner as judgments are had upon appeals from justices of the peace. And in case either party can show good cause why the justice should grant a review, he shall order the same to be reviewed, either with or without costs. Either party may appeal to the circuit court of the proper county as in other cases, and the case there tried de novo, and final judgment rendered; and such court shall appoint reviewers, who may report at that, or the succeeding term, until which report judgment shall not be rendered.

Sec. 20. The company in locating said road are hereby required to locate the same from Aurora via George Randall's farm, and Dillsborough, in Dearborn county, to the point where Caesar's creek

empties into Laughery creek in Ripley county.

Sec. 21. The following shall be the rates of toll for each and every ten miles of said road, and in the same proportion for a greater or less distance, to wit: For every four wheeled carriage, wagon, or other vehicle drawn by one horse, or other animal, not exceeding fifteen cents; for every horse or other animal in addition, five cents; for every cart, chaise, or other two wheeled carriage drawn by one horse, ten cents; for every horse or other animal in addition, five cents; for every sled or sleigh, drawn by one horse or other animal, five cents; for every horse or other animal in addition, five cents; for every coach, chariot, or other four wheeled pleasure carriage, drawn by one horse or other animal, not exceeding fifteen cents; for every horse or other animal in addition, five cents; for every horse and rider, five cents; for every horse, mule, or ass, six months old and upwards, led or driven, not exceeding

three cents; for every head of neat cattle, six months old and upwards, not exceeding two cents; and each hog or sheep, one cent.

SEC. 22. If any person or persons using any part of said road, shall, with intent to defraud said company, pass through any private gate, or bars; or along any other ground near said road; or shall use any fraudulent means to lessen the payment of such toll, each and every person concerned in such fraudulent practice, shall for every such offence forfeit and pay to said company the sum of five dollars, without stay of execution, to be recovered in an action of debt, at the suit of the company, before any justice of the peace of the proper county; *Provided*, that nothing in this act shall be so construed as to prevent persons residing on said road, from passing thereon about their premises between the gates, for a common and every day business.

SEC. 23. The board of directors of said company, or any agent by them lawfully authorized, shall have power to negotiate any loan, or loans, that may be by said company deemed expedient for carrying out any or all the objects, contemplated by this act, and for the payment of such loans agreeably to the terms agreed upon, said company shall bind themselves by their bonds, which, when signed by the president and attested by the secretary, and duly ordered to be issued, shall be a valid lien upon all the stock and effects of said company in the order of their issue, and all the effects of said company, both real and personal, shall be deemed and taken as pledged for the punctual payment of the interest on said bonds, and the ultimate redemption of the principal.

Sec. 24 In locating said road, the same shall commence at the south east corner of out lot No. 20, adjoining the town of Aurora, but should said board find it necessary, and the interest of said company, to adopt any other route than the one contemplated in the foregoing sections, then and in that event, the corporate authorities of the said town of Aurora, shall direct the point where said road shall com-

SEC. 25. Should the trustees of centre township decide to and agree within six months to McAdamize any or all that part of the State road to Dillsborough, or the route of the turnpike road established by the directors aforesaid, so far as the same runs through centre township; then said trustees shall give notice to the president of said board, and in that event, said turnpike road shall commence at the township line. But should said township trustees fail to comply with their order, and fail to finish said road in centre township within two years, the said company shall have the right to extend their road to the point mentioned in section No. — or the end of that part improved by the township.

SEC. 26.—When said road is located, and the directors decide to commence the work on said road, they shall commence at the east end of said road and proceed westwardly.

This act is hereby declared to be a public act.

This act to be in force from and after its passage.

CHAPTER CXXXIX.

An Act authorizing a company to construct a turnpike road from Moore's Hill to Aurora, in Dearborn county.

[APPROVED FEBRUARY 15, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That George Cornelius, Charles Dashiell, Robert D. Brown, John Taylor, Hiram Dean, Joseph Churchill, John Bramblay, jun., Elias Cheeseman, and John C. Moore, all of the county of Dearborn, and their associates and successors be, and they are hereby, constituted a body politic and corporate, under the name of "The Moore's Hill and Aurora Turnpike Company," and by that name may contract, and be contracted with, may sue and prosecute, and be sued and prosecuted to final judgment and execution in all courts having competent jurisdiction, and do and perform all other things legitimate for said company to do; and they are hereby invested with all the powers and privileges in anywise necessary and expedient to carry into effect the proper business of the association.

SEC. 2. The capital stock of said company shall consist of twenty-five thousand dollars, which may be increased at any time to any sum, not exceeding double that amount, that may be deemed expedient to carry into execution the legitimate objects of said company; and said stock shall be deemed as personal property.

Sec. 3. Said stock shall be divided into shares of twenty-five dollars each, and may be taken by any individual, corporation, company, township, or county, to be paid for in cash, labor, or any kind of property, real or personal, that may be agreed upon, and in such way and manner, and at such times and places as shall be prescribed by the company.

Sec. 4. Any three of the persons named in the first section of this act, shall constitute a quorum for doing business; and so soon as may be by them agreed shall proceed to open books for subscription to the capital stock, and do all other things for the full organization of said company.

Sec. 5. In case a quorum shall fail to attend at any time and place agreed upon, those attending may adjourn to another day, or they may consider the stations of the absentees, or any of them, as vacated, and appoint some other proper person or persons to fill the

Sec. 6. So soon as may be deemed expedient after ten thousand dollars of the capital stock shall have been subscribed, said commissioners shall appoint some suitable time and place for holding an election for seven directors, each of whom shall be a stockholder of at least two shares; said commissioners shall in all things manage such elections, and give proper certificates to the persons elected, who shall hold their offices for one year, and until their successors are duly elected and qualified.

SEC. 7. At said election, and at each subsequent election, each stockholder shall have one vote on each share up to five; one vote on every two shares above five and up to twenty-one; on every three shares above twenty-one and up to forty, one vote; and one vote on every five shares above forty; and each stockholder may vote in person or by proxy, given in writing.

Sec. 8. The time, place, and manner of holding all subsequent elections of directors shall be regulated by the by-laws of the company, except [that] the elections shall be annually as near as may be.

Sec. 9. So soon as the first board of directors shall have been elected and sworn into office, said commissioners shall deliver over to them the subscription books, together with all other things belonging to the company. Said [board of directors] shall choose a president, and appoint a secretary and treasurer from their own body, and the mode of organization and qualification shall be continued and observed by each subsequent board of directors. A majority of said directors shall constitute a quorum to do business and to supply any vacancy that may occur in their body.

SEC. 10. Said company shall have power to view, mark, locate, and construct a turnpike road from Moore's Hill, in Dearborn county, to Aurora, in said county; and in constructing said turnpike said company may follow such plan, and use such materials, as they may deem most expedient; and if it shall be found necessary and advantageous to the location and construction of said road, the company shall have the right to lay the same along and upon any

state or county road.

Sec. 11. Said company may adopt such rules and regulations, and make such by-laws as in their judgment the business and affairs of the company require, and such as are expedient to perform the duties and carry out the powers vested in this act. They shall also have the power to appoint all needful officers, agents, and operatives, and require them, or any of them, to give such bonds as may be deemed necessary; to enforce the payment of all stock subscriptions at such times and places, and in such proportions as may be directed by said company, which payment may be enforced by forfeiture to the company of the stock, with the payment made thereon, or by suit; to issue certificates of stock, and regulate the mode of transferring the same; to acquire, lease, sell, and dispose of such real estate as may be expedient for the interest of the company; to enter upon and take possession of all land and materials necessary for the location and construction of said road and its appendages, and to keep the same in repair, being responsible to the owners of land and materials for the reasonable value thereof; to erect, continue, and keep toll-gates; to establish, charge, and collect tolls of all persons using said road; to make and declare dividends of profits to the holders of the stock, and to all other things proper to carry out the interest and meaning of this act.

Sec. 12. That in all cases, when any person through whose land said road may run, shall refuse to relinquish his land, or permit the

company to occupy the same, or where a contract with the parties cannot be made, it shall be lawful for the company to give notice to some justice of the peace in the township where such circumstances may exist, or occur; and such justice shall thereupon summon the owner of the land to appear before him on a certain day within ten days thereafter, and shall call before him a jury of twelve disinterested men of the neighborhood, or such number as may be agreed upon by the parties, who shall, after having taken an oath faithfully and impartially to assess the damages, if any, view the lands and materials, and after taking into consideration the advantages and disadvantages the road may be to the same, shall report thereon whether such person is entitled to damages or not; and if any, what amount; and shall file such report with such justice; whereupon such justice shall enter judgment thereon, unless for good cause shown, or unless the damages shall exceed the sum of one hundred dollars. In case the damages exceed the sum aforesaid, it shall be the duty of such justice to file the same, properly certified, in the circuit court of the proper county, and judgment shall be had thereon in the same manner as judgments are had upon appeals from justices of the peace. And in case either party can show good cause why the justice should grant a review, he shall order the same to be reviewed, either with or without costs. Either party may appeal to the circuit court of the proper county as in other cases, and the case there be tried de novo, and final judgment rendered; and such court shall appoint reviewers who may report at that or the succeeding term, until which report judgment shall not be rendered.

SEC. 13. The company in locating said road are hereby required to lay the same so as to cross the township line dividing the township of Laughery from the township of Sparta, at or near where the state road authorized to be laid by virtue of an act entitled "an act to establish a state road in the county of Dearborn," approved Jan-

uary 18, 1847, crosses said township line.

SEC. 14. The following shall be the rates of toll for each and every ten miles of said road, and in the same proportion for a greater or less distance, to wit: for every four wheeled carriage, wagon, or other vehicle, drawn by one horse or other animal, not exceeding fifteen cents; for every horse or other animal in addition, five cents; for every cart, chaise, or other two-wheeled carriage drawn by one horse, ten cents; for every horse or other animal in addition, five cents; for every sled, or sleigh, drawn by one horse, or other animal, five cents; for every horse or other animal in addition, five cents; for every coach, chariot, or other four-wheeled pleasure carriage drawn by one horse or other animal, not exceeding fifteen cents; for every horse or other animal in addition, five cents; for every horse and rider, five cents; for every horse, mule, or ass six months' old and upwards, led or driven, not exceeding three cents; for every head of neat cattle, six months' old and upwards, not exceeding two cents; and each hog or sheep, one cent.

Sec. 15. If any person or persons using any part of said road shall, with intent to defraud said company, pass through any private gate or bars, or along any other ground near said road, or shall use any fraudulent means to lessen the payment of such toll, each and every person concerned in such fraudulent practice shall, for every such offence, forfeit and pay to said company the sum of five dollars, without any stay of execution, to be recovered in an action of debt, at the suit of the company, before any justice of the peace of the proper county: *Provided*, That nothing in this act shall be so construed as to prevent persons residing on said road from passing thereon about their premises between the gates for common and every day business.

Sec. 16. The board of directors of said company, or any agent by them lawfully authorized, shall have full power to negotiate any loan, or loans, that may be by said company deemed expedient for carrying out any or all the objects contemplated by this act; and for the payment of such loans, agreeably to the terms agreed upon, said company shall bind themselves by their bonds, which, when signed by the president, and attested by the secretary, and duly ordered to be issued, shall be a valid lien upon all the stock and effects of said company in the order of their issue; and all the effects of said company, both real and personal, shall be deemed and taken as pledged for the punctual payment of the interest on said bonds,

and the ultimate redemption of the principal.

Sec. 17. The township trustees of the townships of Laughery and Sparta are hereby authorized and required, at the next March election for township officers, after the publication of this act, (in the Western Republican, a newspaper printed at the town of Aurora,) to cause a poll to be opened for the qualified voters of their several townships to express whether or not they are in favor of the trustees subscribing for shares in said turnpike on behalf of said townships. Said vote shall be given by the voters writing upon their tickets for township officers the word "Turnpike," or the word "No Turnpike;" and if, on counting the votes, it shall appear that the majority of the votes polled have written on them "turnpike," then the trustees shall subscribe for any number of shares not exceeding fifty, and shall assess such additional road tax in the township as they may deem necessary, not exceeding ten cents upon each hundred dollars of taxable property in their townships for any one year, the same to be collected as state and county taxes are collected.

Sec. 18. In locating said road, should said directors decide and determine to adopt the said route of the present state road, from the bridge across Hogan creek, known as the "Hancock bridge," to the east end of out lot, No. 20, adjoining the town of Aurora, then said turnpike road shall terminate at the south east corner of said out lot, No. 20. But should said board of directors decide to approach said town of Aurora by any other route, then the corporate authorities of said town of Aurora shall direct the point where

said road shall terminate.

SEC. 19. This act is hereby declared to be a public act.
SEC. 20. This act to be in force from and after its passage.

CHAPTER CXL.

An Act to incorporate the Jasper county Iroquois Navigation and Manufacturing Company.

[APPROVED FERRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That John D. Work, Benjamin Henkle, Robert Parker, Zechariah Spitler, Thomas Barker, John Lyon, Elihue Pierce, and Jared Benjamin, of the county of Jasper, and their successors in office be, and they are hereby, declared a body politic and corporate, and by the name and style of the "President and Directors of the Jasper county Navigation [and] Manufacturing Company" shall be capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, in any and all courts whatever; to make and use a common seal, and the same to alter or change at pleasure, and shall be and are hereby authorized and empowered to make contracts, and make and enforce the necessary by-laws, rules, and regulations to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this state.

SEC. 2. The capital stock of said corporation shall be thirty thousand dollars, divided into shares of twenty-five dollars each, with power on the part of said corporation to increase the capital stock, if necessary to accomplish the objects herein contemplated.

SEC. 3. The directors in this act named, or a majority of them, shall meet at such time in Rensselaer as they may agree on, and organize said corporation by electing one of their body president, and one secretary, and after such organization any five of

them shall be a quorum to do business.

Sec. 4. The said corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other persons and officers necessary to carry into effect this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws and regulations, and all orders for the payment of such allowances as may be made to their officers and all others in their employment, which journal and proceedings shall from time to time be signed by the president, and be open at all proper times for the inspection of stockholders or creditors. They may set on their own adjournments, or meet on the call of the president; when

the president is absent from a meeting, those present shall appoint one of their own number president pro tempore; and they shall fill all vacancies that may happen in their own body, and should a quorum fail to meet, those present shall fix a time for their next meeting.

Sec. 5. Said stock may be taken by any individual, company, board of county commissioners, or corporation, liable to contract by their lawful agent or attorney, to be paid in cash or labor on said work, as may be agreed upon at the time of subscribing, (price of labor to be determined by the corporation according to the prices that may be paid for similar labor on said work by the con-

tractors.)

Scc. 6. The corporation shall cause books to be opened so soon hereafter as may be by the commissioners deemed advisable at Rensselaer, and such other places as they may deem proper, due notice of which shall be given at least thirty days before the day arrives in one or more newspapers having general circulation, and in each of said books the following entry shall be made: "We, the undersigned, promise to pay the sum of twenty-five dollars for each share of stock set opposite our respective names, in such time, manner, and proportions as the president and directors of said Jasper county Iroquis Navigation and Manufacturing Company may direct, not inconsistent with this charter. Witness our hands, this day of A. D. 184."

SEC. 7. So soon as may be deemed expedient, after ten thousand dollars of the capital stock shall have been subscribed, said commissioners shall appoint some suitable time for holding an election in Rensselaer, Jasper county, Indiana, for five directors, each of whom shall be a stockholder to the amount of at least four shares, three of whom shall, during the time he holds his office, reside in said county. Said commissioners, for the purpose of carrying into effect said election, shall out of their number select an inspector, and out of the stockholders two judges and a clerk of said election and said officers of election shall give to the persons thus elected directors a certificate of their election, who shall hold their office until the first Monday in January next ensuing said election, and until their successors are elected and qualified.

Sec. 8. All subsequent elections shall take place on the first Monday in January in each year, and be governed by such regulations and by-laws as the directors may from time to time make. Before entering upon their duties, each of said directors shall take an oath to the faithful discharge of their duties, and the directors shall elect one of their number president, also from their number a secretary and treasurer, the treasurer to give bond and security to the acceptance of the other directors in double the supposed amount that he may receive; and in said election, and each subsequent election, each stockholder shall have one vote for each share of stock by him taken to five, and one for every two shares over five and not exceeding ten, and one for every three shares over ten and

not exceeding twenty, and one vote for every four shares exceeding twenty, and each stockholder may vote in person or by proxy made known in writing.

SEC. 9. So soon as the first board of directors shall have been elected and sworn into office, said commissioners shall deliver over to the directors the subscription books, together with all other things belonging to the company; and a majority of said directors shall constitute a quorum to do business, and to supply vacancies that may occur in their own body between the annual elections.

Sec. 10. The capital aforesaid, or so much as may be wanted, shall be used by said directors and their successors in office for the purpose of making a survey and estimate of the Iroquois river in the county of Jasper, from the state line of Indiana and Illinois to Rensselaer, in said county, and farther up said river, should the directors find it practicable and navigable, after having first completed it to Rensselaer, with a view of making said river navigable for steam boats and other water crafts, and manufacturing purposes by means of locks and dams, canal, and tow-paths, and such other devices as may be deemed necessary so as to make slack water navigation, and in the erection of mills, buildings, and mechanical or manufacturing works, and in the erection of water power when and where, on or near said stream, the said company shall deem the same useful and necessary; and said company shall have the privilege of turning Beaver lake into said river for the purpose of facilitating the objects aforesaid, and they shall be entitled to all the water privilege arising therefrom. The capital stock shall be held and considered personal property, and the same may be transferred on the books in such way as said company may direct.

Sec. 11. Said company, when organized by the election of directors as aforesaid, may adopt such rules and regulations, and make such by-laws as in their judgment the business and affairs of the company may require, and such as are necessary to perform the duties of said company and to carry out the powers vested by this act; they shall also have the power to appoint all needful officers, agents, and operatives, and require them, or any of them, to give such bond or bonds as may be deemed expedient; to enforce the payment of all stock subscription or subscriptions, at such time and places, and in such proportions as may be agreed upon, not contrary to this charter, under pain of forfeiture of the shares of stocks by the delinquent, and the payment made thereon to the company, or to sue for and recover the amount due thereon, with ten per centum damage, in an action of assumpsit at their option; to issue proper certificates of stocks, and regulate the mode of transferring the same; to acquire, lease, sell, and dispose of such real estate as may be expedient, either before or after the survey and estimates, and to obtain from any person or persons, through or by whose land said river may run, or over whose land said dams may cause the water to overflow, and a relinquishment of so much

land as may be necessary for the construction of any dam, abutments, locks, or houses, for machinery or any improvement connected with said improvement, also the stone, timber, and other materials that may be obtained on said route, and may contract for any stone, timber, and other materials on any land near said river, for the benefit of said corporation; and said corporation may receive by gift, grant, donation, or bequest made and entered into in writing by any person or persons capable by law of contracting, made in consideration of such improvement and for the benefit of said corporation, lands, stone, timber, money, labor, or any other kind of property, and all such gifts, grants, donations, and bequests shall be binding and obligatory, and said corporation shall have their action at law or in equity to compel a compliance therewith; Provided, that said contracts, relinquishments, gifts, grants, donations, or bequests be in writing, and signed by the person or persons or party making the same.

SEC. 12. That whenever said corporation shall have procured the right of way, as herein provided, they shall be seized in fee simple of the rights to said land, and shall have the sole use and occupation of the same for the purposes aforesaid, and no person, body politic, or corporation shall in any way interfere with, molest, disturb, or injure said corporation in any of the rights and privileges

granted.

SEC. 13. Said corporation shall have the power any timewithin one year from the time of subscription, by giving at least 20 days notice of the time and place in some newspaper of general circulation, to demand and receive out of the subscription an amount not exceeding three dollars for each share subscribed, and may demand the residue to be paid in instalments of not more than ten per centum every six months, the first days of January and July.

SEC. 14. The process against said corporation shall be by summons, and being served on the president, treasurer, or secretary, shall be sufficient, and the further proceedings the same as against

natural persons.

SEC. 15. The signature of the president of said company attested by the secretary, shall be deemed full evidence and authentication of any act of the company, unless it may be in such cases as the by-laws may require to be authenticated by the common seal of the company, and such seal they are authorized to devise, adopt, and use

SEC. 13. Said company shall have the right to establish such a tariff of toll as will best comport with the interest of said company, and as shall not be considered oppressive, and shall have the power to lease or sell any water privilege that may arise by the

erection of said dams and locks.

SEC. 17. Should said company use any stone, timber, or wish to occupy any lands for the locks, dams, or abutments thereto, or for the erection of machinery, or cause the water to back on, or overflow any land to which the owner will not willingly give, grant, or sell to said company, that said owner shall select one resident free-

holder of the county, the president of the company one, who shall meet on the land thus wished to be purchased, or overflown, and after being duly sworn, assess the damages that the owner may sustain by the erection of the dam or occupancy of said land; also assess the value of any gravel, stone, or timber that may be used by the corporation, and if they fail to agree the two appraisers thus selected shall select a third who shall be of like qualification, and be sworn, and they, or a majority of them, certify a copy of their proceedings to the president of the company and to the individual claiming damage; and should said individual claiming damages refuse or neglect to select an appraiser that will serve, it shall be the duty of the county assessor to serve with the appraiser on the part of the company; and the damage assessed as aforesaid shall by said company be paid with as little delay as possible on reasonable demand at the office of the treasurer of said company before taking possession of the land or material aforesaid, and on said company paying the damage thus assessed, or offering to pay the same, the corporation shall have the right to use and convert to their own use for the purposes aforesaid all such materials and lands thus obtained; Provided, That either party may take an appeal from the decision of the arbitrators to the circuit court of the county.

Sec. 18. Any person who shall willfully, mischieveously, or maliciously destroy or injure, or cause to be injured or damaged, any of the improvements, buildings, or structures, boats or water crafts of said company, or any material obtained for that purpose, or fall timber in said river, such person or persons shall be liable and made pay to the company five times the amount of the damage so done, which may be recovered in the name of and for said company, by action of debt before any court having jurisdition of similar trespass on individual property, and shall be liable to indictment and punishment in the same manner as is now provided by law for ma-

licious trespass.

Sec. 19. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; such certificate shall be signed by the president and countersigned by the secretary of said company; the stock shall be transferred on the books of the corporation only by the person or persons owning the same in person, or by their legally constituted agent or agents, attorney or attorneys, or by their legal representative, trustee or guardian; and such stock shall be at all times holden by the corporation, for any dues from the owner thereof to the corporation, or for any sums that may thereafter become due on any contract made with said corporation prior to such transfer, nor shall any stockholder be permitted to hold the office of director who shall not have paid all his installments due at the time of the election, and should he fail to pay any instalment when due after his election, his office from said failure shall be vacated, and the remainder of the directors shall fill the vacancy or vacancies by appointment, nor shall any stockholder be permitted to vote who has failed for six months to meet his instalment.

Sec. 20. The corporation shall commence the construction of said dams and locks within five years from the passage of this act and complete the same within fifteen years; and said company shall have the right to detain any and all boats or water crafts from passing through any of the improvements authorized by this act until the established tolls shall be paid; and in case any person running or owning said boat or water craft shall refuse or neglect to pay said tolls the said company may recover double the amount of such tolls of and from such person or persons before any court having jurisdiction.

Sec. 21. This act shall be considered as a public act, and be fa-

vorably construed for all beneficial purposes.

Sec. 22. This act to be in force from and after its passage.

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CHAPTER CXLI.

An Act to amend an act entitled "An act to amend an act entitled an act for the benefit of persons who are likely to suffer by the destruction of the records of Miami county by fire," and to provide for the election of a commissioner to restore said records," January 13, 1845.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That from and after the tenth day of June next the office of the commissioner elected under the act to which this is an amendment shall cease and be determined, and thereafter the clerk of the Miami circuit court (and his successors in office) shall, exofficio, act as commissioner, and shall do and perform all of the duties and shall be invested with all the power and authority that said commissioner might or could exercise, or that in any way appertains to the duties of said commissioner under said acts.

SEC. 2. It shall be the duty of the present commissioner to deliver over to the said clerk, between the sixth and tenth days of June next, all records, books, and papers appertaining or belonging to his office as such commissioner, which shall be kept and preserv-

ed by said clerk among the records of said court.

SEC. 3. The said clerk, as such commissioner, shall be fully authorized to re-enter, in the manner prescribed by said acts, any judgment or other proceeding upon the docket of any justice of the peace which may have been destroyed by the burning of the court house in said county.

Sec. 4. The said clerk shall enter his proceedings as such commissioner upon the books heretofore used by the commissioner un

der said acts in their proper places, and shall issue executions upon any judgments heretofore re-entered on said books by the proper commissioner, or upon any which may hereafter be re-entered by him whenever required by the plaintiff, his assignee, agent, attorney, or other person authorized to demand the same.

Sec. 5. The said clerk shall enter all judgments heretofore reentered or hereafter to be re-entered upon the execution docket of

the proper court.

Sec. 6. Any defendant or defendants may waive the necessity of the notice and the service of the same as required by the acts to which this is an amendment, and voluntarily appear before said clerk for the purpose of re-entering any judgment, order, decree, or other record, written instrument or proceeding which may have been destroyed by said burning.

SEC. 7. The said clerk shall be allowed the same fees, to be paid in the same manner as the fees of the present commissioner are

now paid

SEC. 8. This act to be in force from and after its passage.

CHAPTER CXLII.

An Act to revive an act entitled "An act to incorporate the town of Muncie, in Delaware county.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Asssembly of the State of Indiana, That an act entitled "An act to incorporate the town of Muncie, in Delaware county," approved January 21, 1847, be and the same is hereby revived.

SEC. 2. An election for trustees of said town shall be held within one month from and after the clerk of said county is officially ad-

vised of the passage of this act.

Sec. 3. All laws and parts of laws contravening the provisions

of this act are hereby repealed.

SEC. 4. It is hereby made the duty of the secretary of state to forward to the clerk of said county of Delaware, a certified copy of this act.

SEC. 5. This act to be in force from and after its passage.

CHAPTER CXLIII.

An Act reducing the fee for recording deeds in Delaware county.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the recorder of Delaware county shall not be entitled to charge or collect any sum exceeding fifty cents for recording any one deed.

SEC. 2. All laws and parts of laws contravening the provisions of this act are hereby repealed.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CXLIV.

An Act to authorize the auditor and school commissioner of Morgan county to make a deed to William Berry for certain school land in said county.

(APPROVED FEBRUARY 16, 1848.)

Section 1. Be enacted by the General Assembly of the State of Indiana, That the auditor and school commissioner of Morgan county be, and they are hereby authorized to execute a deed for the following tract of land in said county, to-wit: fifty acres off of the south end of the east half of the south east quarter of section sixteen, in township twelve north, of range two east, to William Berry upon full payment to said commissioner of the purchase money for said land, and all interest accrued and to accrue thereon.

SEC. 2. This act to take effect and be in force from and after its

passsage.

CHAPTER CXLV.

An Act to incorporate the Madison Hotel Company.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That James F. D. Lanier, Jesse Whitehead, Michael G. Bright, Milton Stapp, and Jonathan Fitch, and their associates, successors, and assigns be, and they are hereby made a corporation by the name of the Madison Hotel Company, for the purpose of constructing, furnishing, and keeping suitable buildings for a hotel in the city of Madison and county of Jefferson, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requisitions contained in the Revised Statutes of one thousand eight hundred and forty-three, chapter thirty-two, article two, entitled, "General Provisions respecting Corporations."

Sec. 2. The capital stock of said corporation shall not exceed the sum of fifty-thousand dollars, and the said corporation may be lawfully seized and possessed of such real and personal estate as may be necessary and convenient for the purposes aforesaid.

Sec. 3. Said corporation shall have power, from time to time, to borrow such sums of money as may be necessary and convenient for the purposes aforesaid, and execute such bonds, mortgages, or other security for the repayment of said money and interest as may be agreed upon by the parties.

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This act to take effect and be in force from and after its passage.

CHAPTER CXLVI.

An Act to revise the road laws in the counties of Lake and Porter.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That all male white citizens of the counties of Lake and Porter, between the ages of twenty-one and fifty years, shall work two days in each year on the roads and highways therein.

Sec. 2. The boards of commissioners in said counties shall annually, at their June session, assess a road tax of not less than fifty nor more than seventy-five cents on each one hundred dollars valuation of real and personal property.

Sec. 3. The taxes so assessed shall be made out on the duplicate of taxes, and the auditor of each of said counties shall deliver to each of the supervisors of the several road districts in his county a certified copy of the amount of taxes so assessed against the real and personal property of each person liable to do road work in his district, or owning property therein, by the fifteenth day of July in each year.

SEC. 4. The supervisors of the several road districts in said counties shall call upon the persons so assessed and liable to do road work in their districts, to work out the amount so assessed at the rate of seventy five cents per day, by the twentieth day of Oc-

tober in each year.

SEC. 5. The supervisors of the several road districts in said counties shall each annually, by the tenth day of November in each year, make return to the treasurer of his county[of] the several amounts of road tax that remain unpaid in his district, which amounts shall be collected by said treasurers as other taxes are collected.

Sec. 6. All moneys collected for road purposes shall belong to the road district within the bounds of which they may be assessed and collected, and shall be drawn from the county treasuries by the supervisors of the several road districts on the warrant or order of the auditors of said counties, and shall be expended in repairing the roads and bridges in said districts, and for the purchase of the ne-

cessary tools wherewith to work the roads therein.

Sec. 7. It shall be the duty of each supervisor of road districts in said counties, to give each person liable to do road work in his district, three days' previous notice of the time or day on which he intends to work on the roads, and every person so warned to appear and work with such tool or tools as the supervisor shall designate, if he shall have them or it; who shall refuse to appear and work shall forfeit and pay for the use of the district in which he resides, the sum of one dollar and fifty cents for each day he so refuses to appear and work, to be recovered by action of debt before any justice of the peace residing in the township wherein such district shall be, in the name of the supervisor of said district, for the use of said district, and no amount of property or properties of any kind shall be exempt from execution on any execution issued on any such judgment obtained before any justice, for failure to work on the roads when legally warned so to do.

Sec. 8. Non-residents of any road districts in said counties may, on application to the supervisor of any road district wherein his property may be taxed, have the privilege of working out the amount of such tax in the said district, at the rate of seventy-five

cents per day.

Sec. 9. The supervisors of road districts in said counties shall allow one day's work to each person furnishing a yoke of oxen; and two days' work for a yoke of oxen, plough, and wagon; one and a half days for a yoke of oxen and plough, or a yoke of oxen and wagon; and for each span of horses and harness, two days; for a

span of horses, harness, plough, and wagon, three days; or two and one half days for a span of horses, harness and plough, or wa-

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Sec. 10. It shall be the duty of the supervisors of the several road districts in said counties to give to each person, as soon as he shall have worked out his road tax, a certificate, certifying therein that the said person therein named has worked out the road taxes assessed against him in his district in full, which certificate shall be received by the treasurers of said counties in payment of the

road taxes assessed against said person on his duplicate.

SEC. 11. It shall be the duty of the auditors of said counties to keep, in a book to be provided by him for that purpose, a separate account with each road district in his county, and on settlement with the county treasurer of his county in each year, to place the amount of taxes collected by said treasurer for the several districts to the credit of said district, and immediately draw and deliver to the supervisor of the district an order on the county treasury of his county for the amount due to said district; *Provided*, That he shall first require of the several supervisors a penal bond in double the amount due said district, conditioned for the faithful application of the same.

SEC. 12. Suit shall be brought by any supervisor of road districts within said counties, against any person who shall refuse to work out his tax on the roads in his district, within sixty days after such refusal, and not afterwards unless such person so refusing absconds, or so conceals himself that process cannot be served upon him, in such case suit may be brought, as soon as service of process can reasonably be obtained after said sixty days, and the said several supervisors shall be competent witnesses in any suit brought by them for any refusal to work on the roads in their several districts, but in no case shall they be liable for costs of suit in any such case.

SEC. 13. All county and state roads heretofore laid out, and properly recorded in the proper office, be and the same are hereby declared to be legal roads, so far as they may have been opened and used as roads by the public, although the boards of commissioners of said counties may not have ordered said roads to be opened the proper width, and the said roads are hereby declared to be of the width of forty feet for county roads, and sixty feet for state roads.

Sec. 14. All laws and parts of laws contravening the provisions of this act so far as relates to the counties of Lake and Porter be

and the same are hereby repealed.

Sec. 15. This act shall take effect and be in force from and after its publication, and it shall be the duty of the secretary of state to cause the State Printer to print and bind two hundred copies of this act in pamphlet form, and forward them with the General and Local laws to the said counties of Lake and Porter, one hundred to each county.

CHAPTER CXLVII.

An Act authorizing the sheriff of Dearborn county to use the jail of Wilmington for a certain period of time therein mentioned.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Iddiana, That the sheriff of the county of Dearborn, by himself or deputy, shall have discretionary power to use the jail at Wilmington in said county, for the safe keeping of prisoners until the county jail at Lawrenceburgh is repaired or a new jail erected. This act to be in force from the after its passage.

CHAPTER CXLVIII.

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An Act for the relief of Joseph R. Pratt.

[APPROVED FEBRUARY 16, 1848,]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Joseph R. Pratt be allowed the sum of two thousand sixty-nine dollars and thirty-three cents, a part of the balance found to be due Joseph R. Pratt & Co., in their settlement with the state, of the business of the Indiana state prison, made during the last session of said General Assembly, and not provided for in the act entitled "an act making an appropriation to J. R. Pratt & Co. for the erection of the new state prison," approved January 25th, 1847; which sum shall be paid out of any moneys remaining in the state treasury not otherwise appropriated.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CXLIX.

An Act to authorize John Secrest to build a mill-dam across the Mississinewa river in Grant county.

[APPROVED FEBRUARY 11, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That John Secrest, of the county of Grant and State of Indiana, be and he is hereby authorized to erect, maintain, and [keep] up a mill-dam across the Mississinewa river, at his saw-mill about one mile below Marion, in said county of Grant; Provided, It shall be so constructed with slopes or locks, as not to interfere with the free navigation of rafts, flat-boats, and other vessels and crafts that may be passing up and down said river.

Sec. 2. This act to take effect and be in force from and after its

passage

CHAPTER CL.

An Act to legalize the acts of Michael Shiel, a justice of the peace of Hamilton county.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the official acts of Michael Shiel, a justice of the peace of Hamilton county, Indiana, be and the same are hereby legalized, and declared to have the same effect as though the said Michael Shiel had resided in the town of Shielville the full term of his office.

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SEC. 2. This act to be in force from and after its passage.

CHAPTER CLI.

An Act in relation to road tax in the county of Howard.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That there shall be assessed and collected for the purpose of constructing and repairing roads and highways in the county of Howard, the sum of one and one-fourth cents on each and every acre of land lying and being within the limits of said county of Howard, subject to taxation; and on town lots, without the improvements thereon, which are or may hereafter become subject to taxation, the sum of fifteen cents on each and every hundred dollars valuation thereof, which shall be in lieu of all taxes on real property for road purposes, which taxes shall be assessed and placed on the tax duplicate, and distributed agreeably to the laws now in force on that subject, and may be worked out in the road district where the said land and town lots are situated, at the rate of seventy-

SEC. 2. All laws or parts of laws coming within the purview of this act be and the same are hereby repealed.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER CLII.

An Act declaring the meaning of an act to amend an act amendatory to an act incorporating Michigan City, approved February 15, 1848.

(APPROVED FEBRUARY 14, 1848.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That in the excepting clause in the 1st section of said act where the words "the north east quarter of section 38," occur, was intended to mean and hereafter shall mean, the north-east quarter of section twenty-eight.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CLIII.

An Act to authorize Sarah Shannon to sell certain real estate

[APPROVED FEBRUARY 14, 1848.]

Whereas, It is represented to this General Assembly that John Shannon deceased, late of the county of Jefferson and State of Indiana, did in his lifetime sell various lots and parcels of land in the county aforesaid, to various persons, and execute to the purchaser thereof, bonds for the conveyance of the same, on the payment of the purchase money, but died intestate and without having conveyed said premises; And Whereas, It is further represented that said purchase money of said several tracts was all paid to said Shannon in his lifetime, or has since been paid to his administrator, and that said several lots are of but little value compared with the expense of procuring deeds in the manner provided by law in such cases, therefore:

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Sarah Shannon, the widow of said John Shannon be, and she is hereby authorized and empowered in her own name to convey by deed, all or any real estate which may have been sold by her deceased husband, as above stated, to the purchasers thereof, their heirs or assigns respectively in accordance with their several title bonds.

SEC. 2. Previous to the execution of any such deed, the party claiming the same shall prove by parol or other satisfactory evidence, to the judge of the probate court of said county in term time, the execution of said bond, the payment of the purchase money to said Shannon or his administrator, and the claimants' right as vendee, assignee or otherwise, to such deed, and the court being satisfied with the proof shall direct such bond to be entered on record in said court, and shall order and direct said Sarah Shannon to execute a deed as above provided to the party entitled to the same, and the deed of conveyance so made shall pass to the grantee all the title both legal and equitable which said John Shannon held in the premises at the time of his death, in as full and ample a manner, and to all intents and purposes as if said Shannon had conveyed the same according to the terms of said several title bonds in his life time.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CLIH

CHAPTER CLIV.

An Act to legalize the vacation of certain streets, lots, and alleys in South Bend.

(APPROVED FEBRUARY 15, 1848.)

Section 1. Be it enacted by the General Assembly of the State of Indiana. That the order of the board of county commissioners of St. Joseph county at the June term of said board 1844, vacating town lots, streets, and alleys in the village of South Bend in said county, to wit: lots Nos. 90, 87, 88, 85, 95, 93, 92, 103, 96, 97, 98, 99, 100, 108, 107, owned by the South Bend manufacturing company, and lots Nos. 105 and 106, owned by William Barbee, and lot No. 104, owned by Deniston & Fellows, and also the whole of Carroll street north of Jefferson street, and the alley running east and west between lots Nos. 98, 99, and 108, and 107; also all that part of Washington street east of the race, which crosses said race on an angle with the river and all that part of the street occupied by the race, and all of St. Joseph street, north of the north side of Washington street, and all of the alley running north and south between lots Nos. 101, 102, 103, 97, 96, 98, 99, 100, 92, and 93; and also all that part of Market street east of the race, be, and the same is hereby legalized and made valid, and the said lots and parts of streets and alleys are hereby vacated to all intents and purposes. SEC. 2. This act to be in force from and after its passage.

CHAPTER CLV.

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An Act to authorize the county auditor and treasurer of Sullivan county to make set offs in certain cases.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That hereafter it shall be lawful, and it is hereby made the duty of the county auditor and treasurer of Sullivan county to make the necessary and requisite set offs as follows, to wit: When any tax payer shall be the holder or owner of any county order or orders; or have any allowance, or allowances, made by the board of county commissioners or the circuit court of said county, whether

to an individual, a company or a corporation, who is or are due the county, or in arrears of tax, they shall set off the amount thus due or delinquent, against his order or orders, allowance or allowances, to operate in the same manner and to the same extent as set offs now do between individual and individual, but in no case to exceed the sum or sums owing, or arrears of taxes due.

Sec. 2. The auditor shall note on his book every issue made

under this law, and the treasurer every credit given.

Sec. 3. This act to take effect and be in force from and after its passage.

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CHAPTER CLVI.

An act to enable the Auditor of St. Joseph county to make a deed in a certain case.

(APPROVED FEBRUARY 14, 1848.)

Whereas, The commissioners of the county of St. Joseph purchased lot No. 387, in the village of South Bend in said county for the use of the county seminary; And Whereas, They have since sold the same to David Stover of said county, for the same price at which they purchased said lot, and applied the proceeds thereof to the erection of a building for said seminary, therefore,

Section 1. Be it enacted [by the General Assembly of the State of Indiana,] That the auditor of said county be, and is hereby authorized and empowered to convey in fee simple said lot No. 387, to the said David Stover, whenever he shall present to said auditor, the order of said board of commissioners directing said auditor to make such conveyance, which conveyance, when so made, shall divest all the right, interest, and title of the State of Indiana in said lot, and vest the same in the said David Stover and his heirs forever.

Sec. 2. This act to be in force from and after its passage.

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CHAPTER CLVII.

An Act to amend an Act entitled an "Act to provide for the construction of a Railroad from Martinsville, in Morgan County, to Franklin in Johnson County," approved January 20,1846.

APPROVED FEBRUARY 16, 1848.

Section 1. Be it enacted by the General Assembly of the State of Indiana, That so much of section seven of said act as requires the stockholders in said company, to be individually liable for the dues of laborers on said road, be so amended as to make each stockholder liable only to the amount of stock by him subscribed.

SEC. 2. That so much of said act to which this is an amendment as appoints and constitutes as commissioners on said road, Samuel Herriott, Austin Jacobs, James Ritchey, Madison Vandever, and Jesse Williams be, and the same is hereby repealed.

Sec. 3. This act to take effect and be in force from and after its

passage.

CHAPTER CLVIII.

An Act to amend an act entitled "An act appointing commissioners to make partition of the real estate of Stephen S. Collett, late of Vermillion County, deceased," approved January 19, 1846.

[APPROVED, FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the commissioners appointed by the above recited act, (to act jointly with such commissioners as have been appointed by the Legislature of the State of Illinois,) to make partition of the lands of Stephen S. Collett, late of Vermillion county, Indiana, deceased, amongst the heirs of said Collett be, and they are hereby authorized and empowered, in addition to the trust aforesaid, to assign and set off to Sarah Collett, the widow of said Stephen S. Collet, deceased, her dower, or one third part of the real estate of her deceased husband, situated in the States of Indiana and Illinois; and the said assignment of dower, when made shall be embraced in, and form a part of the report required to be made by said commissioners in making partition of said lands among said heirs, under the above recited act.

Sec. 2. The said commissioners before making an assignment of dower as aforesaid, shall further take an oath before any officer

authorized to administer oaths in this state, that they will faithfully, and according to right and justice assign and set off the dower of said widow in said real estate, as between her and the heirs of said Stephen S. Collett, said oath to be reduced to writing, certified by said officer, and be by said commissioners returned with their report aforesaid.

Sec. 3. Whenever said commissioners shall have assigned and set off to said widow her dower in said real estate, and set the same forth in the report required of them to be made of the partition among the heirs, and the said report shall be made and returned conformably to the requisitions of the above recited act, and that part of said report referring to said assignment of dower, shall be confirmed by the court to which said report is required to be made, and shall be spread on the order book of said court, the same shall have the like force and effect as the report of commissioners authorized to make an assignment of dower by the law now in force.

Sec. 4. If the dower of said widow should be located on any of said lands situated in any other county than the county of Vermillion, an authenticated copy of the report assigning said dower, recorded in the recorders office in the county where said lands lie, shall have the same force and effect as the original report of said commissioners, recorded in said county of Vermillion.

SEC. 5. The circuit court of Vermillion county shall make a fair and just allowance to each commissioner for his services in making said assignment, to be paid by the widow and heirs of said Stephen

S. Collett, deceased.

SEC. 6. This act to take effect and be in force from and after its passage.

CHAPTER CLIX.

An Act to repeal an Act entitled an Act defining the duties of County Treasurers, passed January 13, 1845.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the aforesaid act be and the same is hereby repealed, so far as the counties of Fulton and Marshall are concerned.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLX.

An Act to amend an Act entitled "an Act to incorporate the Lawrenceburgh and Rushville Turnpike Company," approved January 19, 1846.

[APPROVED FEBRUARY 10, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That so much of the twelfth section of the act to which this is an amendment, as prohibits the directors of said corporation from deviating from the route and line of the present state road, surveyed and laid out between said points, until the owners and occupants of the land through which any alteration may be directed to be made different to the proposed route, consent to the same, be,

and the same is hereby repealed.

Sec. 2. That whenever any person through whose land the said directors may wish to run said road will not voluntarily relinquish the right of way, it shall be lawful for said directors to notify some justice of the peace of the township in which such land is situate of the fact, whereupon such justice shall cause to be summoned three freeholders of the township, whose duty it shall be to assess the damages, taking into consideration the advantage of said road to the said owner of the land for such right of way, and upon the payment of the damages to the said owner of the land, if any be assessed, the company shall possess the right of way through such land, or if the said arbitrators' verdict shall be that the advantage arising from said road to said owner of the land are equal to the damage he sustains by said [road] crossing his land, the corporation shall possess the right of way.

Sec. 3. This act shall be in force from and after its passage.

CHAPTER CLXI.

An Act to abolish the office of School Commissioner in the County of St. Joseph, and to transfer the duties of said office to the County Treasurer.

[APPROVED FEBRUARY 8, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the office of school commissioner in the county of St. Joseph be, and the same is hereby abolished; and the duties of said office shall hereafter be performed by the county treasurer in said county, who shall receive the same compensation as is now

allowed the school commissioner, and he shall be governed by the

same laws and subject to the same penalties.

SEC. 2. It is hereby made the duty of the executor of the late school commissioner of the aforesaid county, to deliver all books, papers, moneys and effects, which may now be in his hands or may hereafter come into his possession, which properly belong to the office of school commissioner of St. Joseph county, to the treasurer of said county.

SEC. 3. This act shall take effect and be in force from and after its publication in the "St. Joseph Valley Register;" and it is hereby made the duty of the secretary of state to forward a copy of this

act to the clerks office in St. Joseph county, without delay.

CHAPTER CLXII.

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An Act to amend an act entitled an act to incorporate the Covington Draw-bridge Com pany, approved January 26, 1847.

APPROVED FEBRUARY 16, 1848.

Section 1. Be it enacted by the General Assembly of the State of Indiana, That an act entitled "an act to incorporate the Covington Draw-bridge Company" be and the same is hereby revived and be in full force and effect.

SEC. 2. That the third section of said act be so amended as to insert the name of John Bodly instead of William Patterson, who is deceased, and that it be further amended by inserting the first Monday of August, 1848, instead of the first Monday of August,

SEC. 3. That the sixth section be amended by inserting "or its 1847. additions" after the word "Covington," and before the word "which,"

in said section. SEC. 4. This act to take effect and be in force from and after its passage.

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CHAPTER CLXIII.

An Act to authorize the clerk of Sullivan county to offer and sell certain lots and lands therein named, at the court house door in Sullivan county.

[APPROVED FEBRUARY 14, 1848.]

Whereas, It has been represented to this General Assembly that the sixteenth section belonging to congressional township number six, range nine west, in Sullivan county, has been selected and located in the county of Knox, on which a town has been laid off, known by the name of Edwardsport, the lots sold on time, many of which have been forfeited for the non-payment of interest, &c.,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the clerk of the circuit court of Sullivan county, (whose duty it is to perform the duties of county auditor of said county,) be and he is hereby authorized, after giving due notice of the time and place, to offer and sell at public sale all forfeited in or out lots, or any part of said section at the court house door in the said county of Sullivan, and do and perform all other matters and things in relation thereto as though said land was situated in said county.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLXIV.

An Act to provide for the improvement of the town of Williamsport.

APPROVED FEBRUARY 14, 1848.

Section. 1. Be it enacted by the General Assembly of the State of Indiana, That whenever a majority of the resident tax payers of the town of Williamsport in Warren county, Indiana, shall apply by petition to the board doing county business in the said county, it shall be lawful for the said board to levy upon the real and personal estate within the limits of the said town, an additional road tax, to be expended under the direction of the proper supervisor of the road district in which the said town is situate, in the improvement of the streets and thoroughfares, including the side walks of the said town, which said tax shall be levied and collected in the same

manner that other road taxes are now directed by law to be levied and collected.

Sec. 2. It shall be lawful for every person upon whom any such tax may be levied, to discharge the same by labor upon the streets, thoroughfares, and side walks aforesaid, under the direction of the supervisor, at the present rates allowed by law.

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Sec. 3. This act to take effect and be in force from and after its

passage.

CHAPTER CLXV.

An Act authorizing Albert A. Siddall to sell certain stone in Madison county.

APPROVED FEBRUARY 16, 1848.

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Albert A. Siddall, be and he is hereby authorized to sell, for the best price which can be obtained therefor, all such stone as may be found in Madison county, belonging to the State of Indiana.

SEC. 2. Said Albert A. Siddall, before entering upon the discharge of his duties aforesaid, shall give bond in the sum of five hundred dollars, payable to the State of Indiana, with one or more sufficient freehold securities, to be approved of by the clerk of the Madison circuit court, and conditioned for the faithful discharge of his duties as provided for in this act, which bond shall be filed in the clerk's office of said Madison circuit court.

Sec. 3. Said Siddall shall, on the first Monday of November annually pay over to the state treasury all moneys by him received from the sale of said stone, and shall be allowed on such sales in his settlement with the treasurer of state, to retain five per centum on all sums by him so received, which sum shall be in full compensation for all his services hereby required to be by him performed.

SEC. 4. This act to take effect and be in force from and after its

passage.

CHAPTER CLXVI.

An act to change the name of Bezaleel Thomas to that of Basil Thomas

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the name of Bezaleel Thomas, of Madison county, Indiana, be and the same is hereby changed to that of Basil Thomas. Sec. 2. This act to be in force from and after its passage.

CHAPTER CLXVII.

An Act authorizing the sale of lots for delinquent taxes in the town of Brownstown.

[APPROVED FEBRUARY 15, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That all lots or parts of lots in the town of Brownstown, Jackson county, Indiana, which have been offered for sale twice or more for taxes without selling as provided by law, it shall be the duty of the county treasurer to offer for sale such lots or parts of lots in said town for the whole amount of taxes due and remaining unpaid on said lots or parts of lots.

SEC. 2. And if said lots or parts of lots will not sell for the whole amount of said taxes, then said lots or parts of lots shall be offered by the treasurer of the county of [Jackson] aforesaid, and sold to the highest bidder.

Sec. 3. All acts and parts of acts contravening the provisions of this act be and the same are hereby repealed.

SEC. 4. This act to take effect and be in force from and after its publication in the State Sentinel.

CHAPTER LCXVIII.

An Act to extend the time of holding the commissioner's court of Boone county.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the board of commissioners doing business for the county of Boone, may, at their March and September terms in each year, sit six days at each of said terms if the business of the court require it.

Sec. 2. All acts or parts of acts contravening the provisions of

this act, be and the same are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage and publication in the "Indiana State Sentinel."

CHAPTER CLXIX.

An Act repealing an act therein named,

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That so much of an act entitled "an act to provide for the election of township assessors, in the counties therein named, and defining their duties," approved January 27, 1847, so far as the same relates to the county of Madison, be and the same is hereby repealed, and the general laws of the State of Indiana, in reference to county assessors and their duties as to said county of Madison, are hereby revived.

Sec. 2. This act to take effect and be in force from and after its passage and publication in the "Indiana State Journal."

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CHAPTER CLXX.

An Act to confirm a certain deed to the Methodist Episcopal Church of Carlisle, Sullivan county.

[APPROVED FEBRUARY 16, 1847.]

Whereas, John Miller and wife, of the county of Jefferson, State of Indiana, on the 17th day of October, 1846, executed a deed of conveyance for lot number one hundred and seventy-six, in the town of Carlisle, Sullivan county, Indian, to William Alsop, Ja's. K. O'Haver, Benson Riggs, Tho's. Catherwood, and Jonathan Batton, trustees in trust for the Methodist Episcopal Church: And whereas, Doubt exists as to the validity of said deed, in consequence of said trustees not having been elected and qualified according law. In order, therefore, to give full effect to said deed according to the original intent of said grantees therein named,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the said deed from John Miller and wife, to the persons named therein as trustees, which deed bears date the 17th day of October, 1846, for the lot aforesaid mentioned, be and the same is hereby declared valid and effectual, and the title to said lot as fully vested in said trustees and their successors in office forever, as though said trustees above named had been duly elected and qualified according to law, at the time said deed was executed.

This act to be in force from and after its passage.

CHAPTER CLXXI.

An act to incorporate the celebration spring steam mill company in Franklin county.

-(APPROVED FEBRUARY 16, 1848,)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That for the purpose of building, and managing a steam mill for grinding and sawing, and driving such machinery as may be attached to said mill, and carrying on the business incident thereto, Hamilton Meeker, A. R. McGilvery, Jonathan J. Higgins, Jotham Line, David L. Hannah, and their associates be, and they are hereby constituted a body politic and corporate by the name and style of the celebration spring steam mill company, and in such corpo-

rate name and capacity, may sue and be sued, plead and be impleaded.

Sec. 2. The process against such corporation shall be by summons, which being executed on any director or president thereof hereinafter mentioned, the further proceedings shall be the same as against natural persons.

Sec. 3. The said corporation may have a common seal, and may change and alter the same at pleasure, and shall be capable of purchasing, holding, and using, and conveying any estate, real or personal as they may deem necessary for the use and security of said corporation.

Sec. 4. The capital stock of said company shall be five thousand dollars, and shall be divided into shares of twenty-five dollars each, but it shall be lawful for the said company or corporation to commence their said business, when and so soon as a capital of fifteen hundred dollars are subscribed for, and with that capital to conduct and carry on the same, until they shall find it expedient to extend their capital, which they are authorized to do from time to time, to the amount above mentioned.

SEC. 5. The subscriptions to said stock shall be opened under the direction of the above mentioned persons or their agents on such days, and at such places as they shall think proper, and the sum of five dollars at least shall be paid on each share previous to the election of directors.

SEC. 6. The stock, the property, and concerns of said company shall be managed and conducted by five directors, who shall be stockholders, (and residents) of the county of Franklin, one of whom to be president, who may respectively hold their offices for one year, and until others are chosen, and the persons above named shall give public notice in writing, of the time and place of holding the election for directors, and after the first election, the regular annual election shall be held (for directors) on the first Monday of May at such time and place as may be agreed upon by a majority of the directors, the first election to be 'held under the directions of the above named persons, and all subsequent ones under the direction of the directors for the time being, and all elections shall be by ballot, and a majority of votes present, allowing one vote for each person, shall be necessary to a choice.

SEC. 7. The directors chosen under the provisions of this act, as soon as may be after their election, shall proceed to elect one of their number president, and if any vacancy shall at any time happen among the directors, from any cause, such vacancy shall be filled by the residue of the directors, and the person so appointed shall serve until the time of the directors expire.

SEC. 8. In case an election is not held on the day mentioned in this act, the company shall not be dissolved but may hold their election on such other day as may be provided for in the by-laws and ordinances of the company.

SEC. 9. A majority of the directors shall form a quorum for the

transaction of all the business of said corporation; and shall have power to prescribe by-laws, rules, and regulations, not repugnant to the constitution of the United States and of this State, as shall appear to them needful and proper, touching the management and disposition of the stock, property, estate, and effects, of said com pany, the duty and conduct of the officers and men employed therein, the election of directors, and all such other matters as may be necessary to carry out the obvious objects of this company.

SEC. 10. It shall be the privilege of the before mentioned directors to receive any and all such donations for the use and benefit of

said corporation, as may from time to time be offered.

Sec. 11. The stock of said company shall be assignable and transferable, according to such rules and regulations as the board of directors may establish, and shall be considered personal property, and may be sold on execution: Provided, That no transfer of stock shall be valid or effectual until registered in a book kept for that purpose by the president, which book shall at all reasonable hours for transacting business be open for the examination of any of the stockholders or any person or persons having a demand against the corporation or any member thereof, and in case any officer of the company having charge of such book, shall refuse to permit the same to be examined as aforesaid, he shall for every such offense forfeit and pay to the corporation the sum of one hundred dollars, recoverable by an action of debt in any court of record, together with costs of suit.

Sec. 12. No stockholder shall be allowed to transfer any stock in said corporation without the consent of the directors of said cor-

poration.

Sec. 13. The directors shall at all times keep or cause to be kept at some proper place, books of accounts, in which shall be entered all the transactions of the corporation, which books shall be subject at all times to the examination of the stockholders of said company.

Sec. 14. The directors shall have power to receive and by due course of law collect all subscriptions in writing for the purpose of raising the funds necessary to carry into effect the object of said corporation, and shall be entitled to receive ten per centum of damages on any installment of stock which shall not be paid pursuant to the regulations of the board: Provided, however, That the board shall cause to be posted up in five of the most public places in the neighborhood of said mill, advertisements, at least thirty days, stating distinctly the time and the place such installment is to be paid, and the directors are hereby empowered to fix the time of the payment of installment, and also the amount on each share.

Sec. 15. The corporation hereby created shall not engage in any

banking business whatever.

Sec. 16. This charter shall be, and is hereby limited to the term of twenty-five years from and after the date of its passage.

SEC. 17. The legislature hereby reserves the right to alter, amend, or repeal this act at any time; Previded however, Said charter shall not

be repealed unless it shall be made [to] appear that there has been a gross abuse of the privileges here granted; And provided further, That said repeal shall not affect the rights of the company to any real or personal property they may have at the time of said repeal.

SEC. 18. The stockholders of said company shall be held indi-

vidually liable for all debts contracted by said company.

Sec. 19. This act shall be, and is hereby declared a public act, and shall take effect from and after its passage.

de soule de la chapter CLXXII.

An Act authorizing the Auditor of Franklin county to sell certain school lands therein mond and appoint, not excer boner of suitable persons, who shall be time of each appointment be restorate of such country who shall be

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Section 1. Be it enacted by the General Assembly of the State of Indiana, That the auditor of the county of Franklin is hereby authorized to sell the school lands lying in and belonging to town ten (10) range three west, in section 36 in the aforesaid county, in the following manner and under the following regulations:

1st. To divide the above described lands into such lots as he shall

think will insure the best sale.

2d. To publish in one or more of the papers of the county, at least six weeks before the sale, a notice stating the time, the place, and the terms of sale. Said sale may be made at the door of the court house or such other place as said auditor may think will insure the highest price for said lands.

SEC. 2. The county auditor, the school commissioner, the purchaser, and all the parties concerned, shall be governed and bound by the law of the Revised Statutes of 1843, as laid down in chapter thirteen (13) in article thirteen (13) commencing at section one

hundred and seventy-eight (178.)

SEC. 3. The money paid as required in the Statutes referred to in the preceding section, shall be managed by the school commissioner of said county as other school funds, and the auditor of said county shall divide said moneys in the same manner as he is required to divide the interest arising from the surplus revenue fund, and pay the same over to the townships in the county in the same manner: Provided, That so soon as the above mentioned township shall organize into a school district or districts, then and in that case the moneys referred to above shall be paid exclusively to the abovementioned township.

SEC. 4. This act to take effect and be in force from and after its passage. The series and the series and the series that the series bear the series and the series are the series and the series are the series

CHAPTER CLXXIII.

and shall take offect from and after its passage, to the

Sec. 19. This portshall be ned is berchy declared a public ac

An Act to amend the charter of the Indiana Medical College.

(APPROVED FEBRUARY 16, 1848.)

Section 1. Be it enacted by the General Assembly of the State of Iudiana, That for the purpose of promoting medical education in the State of Indiana, the board of commissioners of each and every county in this state be, and they are hereby authorized, to recommend and appoint, not exceeding two suitable persons, who shall at time of such appointment be residents of such county, who shall be received as students in said Medical College, and admitted to the full course of instruction therein for one half the tuition fee paid by the regular class, the same being payable in advance.

Sec. 2. Such appointment may be made by said commissioners or a majority of them, when in or out of session, and the county auditor of the proper county shall furnish to such student so appointed a certificate of his appointment, which shall be sufficient evidence to entitle him to the benefits of his appointment.

Sec. 3. In making such appointments the proper county commissioners shall select men of good moral character, and such as they believe are competent to make good practitioners of medicine, and, other things being equal, shall give the preference to such as are in indigent pecuniary circumstances.

Sec. 4. This act to take effect and be in force from and after its

Ser. 3. The money paid as required in the Statutes referred

in the preceding section shall be assumed by the school commis-

county sould divide weld money in the same manner of he is re quired to divide the interest arising from the surplus veryone hand

shall organize into a school district or districts; then and in that car

hundred and seventy-eight (1951) and harbout

CHAPTER CLXXIV.

An Act declaring Scott Noel the successor in office as Justice of the Peace of Robert M. Gilkeson.

(APPROVED FEBRUARY 12, 1848.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Scott Noel, a justice of the peace of Adams township, in Parke county, be and he is hereby declared, for all legal purposes, the successor in office of Robert M. Gilkeson, late a justice of the peace of the same township.

SEC. 2. That the said Scott Noel be and is hereby authorized and empowered to take into his possession all the dockets which were legally in the possession of the said Gilkeson, by virtue of his said office, and all papers relating thereto; and to do all acts in relation to the said dockets and papers which the legal successor in office of the said Gilkeson might have done under the laws of this state now in force on that subject.

SEC. 3. This act to take effect and be in force from and after its

passage.

CHAPTER CLXXV.

buttons, That all the acts of the county congressors of the coun-

An Act in relation to a certain State road in the county of Daviess.

[APPROVED FEBRUARY 12, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the state road in the county of Daviess, which has been located and cut out from Captain — Wise's, in Washington township, to Captain James Alford's, in Reeves township, be and the same is hereby declared a public highway.

SEC. 2. That it is hereby made the duty of the surveyor of the said county of Daviess, as early as practicable, to survey said road and make a plat thereof, which said plat, and the field notes thereof, shall be filed in the office of the auditor of said county, and by him

recorded according to law.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CLXXVI.

An Act to change the name of Charlott Leggett Fox Dubois to Charlotte Fox Dubois Ladd.

(APPROVED FEBRUARY 15, 1848.)

Section I. Be it enacted by the General Assembly of the State of Indiana, That the name of Charlotte Leggett Fox Dubois, of the county of Vanderburgh, be and the same is hereby changed to Charlotte Fox Dubois Ladd.

Sec. 2. This act shall be in force from and after its passage.

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CHAPTER CLXXVII.

An Act to provide for a county library in the county of Pulaski, and for other purposes.

[APPROVED FEBRUARY 12, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That all the acts of the county commissioners of the county of Pulaski, in relation to the sale of lots in the town of Winnemac, for the purpose of building a court-house and jail, said lots having been donated to the said county, on the location of the county seat, be, and the same are, so far as legislative action can do it, hereby legalized.

SEC. 2. It is made the special duty of the board of county commissioners of said county, to levy a tax for the sum of three hundred and seventy dollars, which sum, when collected, shall be appropriated to the purchase of a county library.

ton township, to Capina lames Aliada, in Reeves township, in

Sec. 3. This act to be in force from and after its passage.

CHAPTER CLXXVIII.

An Act to repeal a certain act therein named, so far as the county of Dearborn is concerned.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the "Act to allow owners of partnership fences to remove the same," approved January 20, 1846, be, and the same is hereby repealed, so far as the county of Dearborn is concerned.

Sec. 2. That that part of the 22d chapter of the Revised Statutes of 1843, that was repealed by the 2d section of the act mentioned in the first section of this act be, and the same is hereby revived, so far as the county of Dearborn is concerned.

Sec. 3. This act to be in force from and after its passage.

CHAPTER CLXXIX.

An Act to authorize the alteration of a certain road therein mentioned.

[APPROVED FEBRUARY 11, 1848.]

Section 1. Be it enacted by the General Assemby of the State of Indiana, That the owners of land in fractional sections seven and eight, in Anderson township, Warrick county, Indiana, through which the Evansville and Fredonia road now passes, be, and they are hereby, authorized and empowered to relocate, at their own expense, that part of said road which passes through said fractional sections: Provided, That in making said change due regard shall be had to the interests and convenience of the public.

SEC. 2. This act shall be in full force and take effect from and

possesse, and the filter of a certified copy thereof in the clarity

provisions herein shall apply to this eq.

after its passage.

CHAPTER CLXXXIII.

An Act to change a certain state road therein named, in the county of Jackson.

[APPROVED FEBRUARY 12, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That John Burrell, James Ireland, and James Hamilton, of Jackson county be, and they are hereby, appointed commissioners to view, mark, and locate a proposed change in the Mauks Ferry and Indianapolis state road, between Brownstown and Rockford, in Jackson county.

SEC. 2. Said commissioners so appointed, or a majority of them, first having taken an oath or affirmation before some one in said county authorized to administer the same, faithfully and impartially to discharge the duties assigned them, shall meet at such time as they may determine upon, and proceed to view, mark, and locate so much of said road, in said county, as will be of the greatest util-

ity to the public, beginning as follows:

SEC. 3. Said change and relocation to commence at the north east corner of the public square in the town of Brownstown, and county aforesaid, and run from thence on Sugar street north to Bridge street, thence east on said street, in a direct course, a distance of about four hundred yards, thence on the most practicable route to the line dividing the farms of James Ewing and Robert Cunningham's heirs, thence north with said line to intersect the present road at or near the north west corner of the south east quarter of fractional section twelve, township five, range four, being the farm owned by James Ewing.

Sec. 4. That said commissioners, after having viewed, marked, and located said change, shall report the same to the board doing county business, at their first session thereafter, according to the law now in force on such subjects, and the board shall thereupon cause the same to be spread upon record, in the record of roads in

said county.

Sec. 5. That the said commissioners be allowed, out of the proper county treasury, the sum of seventy-five cents per day each, for each and every day they may be necessarily engaged in performing their duties, to be paid on the order of the board doing county business.

SEC. 6. This act to take effect and be in force from and after its passage, and the filing of a certified copy thereof in the clerk's office of said county, and all the provisions of article one, chapter sixteen, of the Revised Statutes of 1843, when not contrary to the provisions herein, shall apply to this act.

CHAPTER CLXXXI.

An Act to change a certain state road therein named, in the county of Jackson.

[APPROVED FEBRUARY 8, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Joseph E. Stillwell, William D. Cockerham, and Barton Burrell, of Jackson county, be and they are hereby appointed commissioners to view, mark, and relocate a proposed change in the state road running from Madison, in Jefferson county, to Bloom-

ington, in Monroe county.

SEC. 2. Said commissioners so appointed, or a majority of them, first having taken an oath or affirmation, before any one in said county authorized to adminisser oaths, faithfully and impartially to discharge the duties assigned them; shall meet at such time as they may determine upon, and proceed to view, mark, and relocate so much of said [road] in Jackson county as will be of the greatest utility to the public, beginning as follows:

SEC. 3. Said change and relocation to commence in Jackson county, not over four hundred yards from the White creek bridge over White creek, on or near the present location of said road as it now runs, and from thence, in the most direct and best route, to the mouth of said creek, and thence across the Driftwood fork of White river, on the best and most direct route to the town of Brownstown,

in said county of Jackson.

SEC. 4. That said commissioners, after having viewed, marked, and located said change, shall report the same to the board doing county business, at their first session thereafter, according to the law now in force on such subjects, and the board shall thereupon cause the same to be spread on record in the record of roads of said county, and order the same to be opened if they find it necessary.

Sec. 5. That the said commissioners be allowed out of the proper county treasury the sum of seventy-five cents per day each, for each and every day they may be necessarily engaged in performing their duties, to be paid on the order of the board doing county

business.

SEC. 6. This act to take effect and be in force from and after its passage, and a certified copy thereof filed in the clerks office of said county and all the provisions of article one, chapter sixteen, of the Revised Statutes of 1843, when not contrary to the provisions herein, shall apply to this act.

CHAPTER CXXXV.

An Act to locate a state road in the counties of Clay and Owen.

[APPROVED FEBRUARY 8, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That William Loven, of the county of Clay, and Samuel Pickens and George Dittemore, both of the county of Owen, be and they are hereby appointed commissions to view, mark, and locate a state road, commencing at the feeder dam on Eel river, in Clay county, thence on the nearest and best route to Gosport, in Owen county.

Sec. 2. The said commissioners shall meet on or before the third Monday of March next, at the feeder dam aforesaid, and after taking an oath or affirmation faithfully to discharge their duties, shall proceed to view, mark, and lay out said road upon the route as proposed in the first section of this act; *Provided*, That the same can be constructed on a grade of five degrees. The said commissioners shall in all things be governed by the laws now in force, except so far as

the previsions of this act conflict with the same.

SEC. 3. The said commissioners may employ a surveyor, if they shall deem it necessary, and report their proceedings in writing to the boards of commissioners of the counties of Clay and Owen, at their next term after said location has been made; the said locating commissioners shall receive for their compensation the sum of one dollar and fifty cents per day each, which shall be paid by said counties in proportion to the length of said road in each; and the said boards of commissioners shall in like manner make such other and further allowances for surveyors and chain carriers, markers or any other services as they may think right and proper.

SEC. 4. This act to take effect and be in force from and after its passage, and it is hereby made the duty of the secretary of state to cause a certified copy of this act to be filed in the auditor's office,

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in the counties of Clay and Owen.

CHAPTER CLXXXI.

An Act to incorporate the Council Grove Minute Men.

[APPROVED FEBRUARY 11, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That James Gregory, William Coseboom, Absolum Kirkpatrik, James Meharey, Jesse Meharey, Christian Coon, Elias Moudy, John M. Thomas, and Edward McBroom, and their associates and successors, to the number of two hundred, be and they are hereby constituted a body politic and corporate, by the name and style of "The Council Grove Minute Men," and by that name during the continuance of this act have succession, sue and be sued, plead and be impleaded, answer and be answered, unto any court of competent jurisdiction, and may have and use a common seal, and alter it at pleasure.

Sec. 2. Said corporation may appoint or elect all such officers as they may deem necessary for their organization, who shall severally hold their offices and perform the duties that may be required of them by the constitution and by-laws, which the said corporation may adopt either with or without compensation as said corporation

may direct.

SEC. 3. A majority of said corporation shall have power to adopt a constitution and by-laws for their government, and inflict such penalties as may be necessary to carry the same into effect, and enforce obedience to the same, which constitution and by-laws shall be consistent with the constitution and laws of this state and of the United States.

Sec. 4. Such number of the members of the said corporation as they shall designate shall form a quorum to transact all kinds of business, and sit upon their own adjournments, or at the call of the president or any one of the officers, and the president or other officers shall be compelled to call a meeting under such regulations as

the said corporation may adopt.

SEC. 5. Said corporation may at any time add to their numbers under the limitation prescribed in the first section of this act, and may expel members in such manner, and for such cause as they may prescribe in their by-laws or constitution, and may receive donations in money or property, to be applied to the purposes of their organization, and may assess such taxes, and impose such fines upon their members as shall be prescribed in their by-laws, or as a majority of the members at any meeting may deem proper.

Sec. 6. Said corporation shall have power to call to their aid the peace officers of this State, in accordance with law, in the pursuit and apprehension of all felons, and in reclaiming stolen property and restoring it to the owner or owners thereof, and each and every one of the members of said corporation when engaged in arresting offenders against the criminal laws of this state, shall be entitled to all the rights and privileges of constables.

SEC. 7. This act shall be in force from and after its passage, and may be altered, amended, or repealed at the pleasure of the legislature.

on garden ban sinen sell CHAPTER CLXXXIV.

Indiana, That Indian Giverory, William Coschoom, Absolum Kirkpalrik, James Meliarey, Jesse de Invert Olicia; un Ocon, Elias Mondy,

Au Act to authorize the voters of certain townships to sell their school lands.

APPROVED FEBRUARY 14, 1848.

Section 1. Be it enacted by the General Assembly of the State of Indiana, That a majority of the legal voters residing in fractional congressional township numbered thirty-two (32), thirty-three (33), thirty-four (34), and thirty-five (35) north, of range ten (10) west, in the county of Lake, may authorize and require the sale of their several fractional school sections, the same as if the requisite number of voters resided therein as is required by law in other cases.

Sec. 2. This act shall be in force from and after its passage.

Es enolisis en rous es CHAPTER CLXXXV.

An Act to locate a state road in the counties of Franklin and Ripley.

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Section 1. Be it enacted by the General Assembly of the State of Indiana, That the board of commissioners of Franklin county shall, at their next March term, or any time thereafter, appoint two competent persons, residents of the county, who shall, in conjunction with David Criswell, of Ripley county, locate a state road from the town of Brookville, in Franklin county, to Napoleon, in Ripley county, touching at the intermediate points of New Vernon and Oldenburg.

SEC. 2. The above mentioned commissioners, or any two of them, after being duly sworn, shall proceed to lay out and locate said state road upon the nearest and best route, from the above mentioned places, keeping in view the intermediate points mentioned above, and also having a due regard to the improvements upon lands through which said road may pass, and said road may be located in whole or in part upon any county road in either of the above mentioned counties.

SEC. 3. Said commissioners may, if they deem it necessary, employ a competent surreyor upon said road, and said road, that portion of it lying ineach county, shall be reported to the respective county auditors, and recorded as other state and county roads are: and said commissionsers shall receive for their services such amount as the commissioner of the respective counties may allow, not to exceed one dollar and fifty cents per day for their services.

SEC. 4. Any person feeling aggrieved by the location and opening of said road, shall proceed, for the purpose of obtaining redress

for said grievance, as directed in the general road law. around to

Sec. 5. The commissioners of Franklin county, after making the appointment as above directed, shall issue their writ to the sheriff of said county authorizing him to notify all the above mentioned commissioners of the time they shall meet, and the place where, for the purpose of locating the road above referred to.

This act to take effect and be in force from and after its passage.

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file deed of convenies to be made and executed in life manner

An Act to vacate part of the Indianapolis and Centreville state road.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That all that part of the Indianapolis and Centreville state road that lies west of the east line of the west half of the northeast quarter of section seven (7,) town fifteen (15) north, range four (4) east, in Marion county, be and the same is hereby vacated.

Sec. 2. This act to take effect and be in force from and after its passage.

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CHAPTER CLXXXVII.

An Act authorizing the probate court of Marion county to order deeds to be made for certain lots in Laporte, Laporte county, Indiana.

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Section 1. Be it enacted by the General Assembly of the State of Indiana, That the probate court of Marion county, Indiana, be, and is hereby, authorized and empowered to order and direct a good and sufficient deed of conveyance in fee, to be made and executed by such person as said court may see fit to appoint, to Arlem S. McClure, for lot number two hundred and twenty-nine, in the town of Laporte, Laporte county, Indiana, heretofore purchased by him pursuant to the order of said court at a sale of real estate of Jonathan M. Hacker, late of Marion county, Indiana, deceased; that said deed, when so made and executed, and duly confirmed by said court, be delivered to James Van Blaricum, administrator of the estate of said deceased, as an escrow, and that said administrator be authorized to deliver to said Arlem S. McClure the said deed of conveyance when the residue of the purchase money unpaid by him for said lot, with interest from the date of sale, shall be paid by him to said administrator.

Sec. 2. Be it further enacted, That said probate court be, and is hereby, further authorized and empowered to order and direct a like deed of conveyance to be made and executed in like manner to Levi W. Keely, for lot number one hundred and forty-one, in said town of Laporte, heretofore purchased by him pursuant to the order of said court, at a sale of real estate of said Jonathan M. Hacker, deceased; that said deed, when so made and executed, and when duly confirmed by said court, to be delivered to James Van Blaricum, administrator of the estate of said deceased, as an escrow, and that said administrator be authorized to deliver to said Levi W. Keely said deed of conveyance when the residue of the purchase money unpaid by him for said lot, with interest from the date of sale, shall be paid by him to said administrator.

SEC. 3. This act to be in force and take effect from and after its

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passage.

CHAPTER CLXXXVIII.

An Act to amend section 4, article 1, chapter 7, of the Revised Statutes of 1843.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That so much of section four, article one, chapter seven, of the revised statutes of 1843, as requires the board of commissioners to meet on the Monday preceding, in case the circuit court shall meet on the first Monday in January, March, May, September, or November, be, and the same is hereby repealed, so far as the county of Miami is concerned.

SEC. 2. This act to be in force from and after its passage and

Secreon 1. Be it enough by the General Assembly of the State of

Harles Ashley and Sulomon Portner, or the county of Howard, be, and then are bossley appointed commissioners to view mark, and tocate a state road, commissioner at the Michigan road where said

publication in the Indiana State Journal.

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An Act to relocate a state road in the county of Delaware.

[APPROVED FEBRUARY 14, 1848.] of the study and the

Section 1. Be it enacted by the General Assembly of the State of Indiana, That all that part of the old Richmond and Logansport state road lying in the county of Delaware, beginning at the crossing of Pike run, six chains and fifty links northward of the fiftythird mile stake from the town of Richmond, in the county of Wayne, thence along the route of the old road as first surveyed and located till it intersects the present location of said state road near the house of Robert Saunders, some ten or fifteen chains south from the fifty-five mile stake from Richmond, and which has been changed from its former location by the proper authority of the said county of Delaware, so as to run through the town of Wheeling, be, and the same is hereby, relocated on the old way and route, as fully and effectually to all intents and purposes as though the same had never been changed; and it is hereby made the duty of supervisor in the road district or districts where the same is thus located, forthwith to open and repair the same, under the same rules and regulations that other roads are opened and repaired; Provided, that nothing in this section shall be taken and meant to vacate that portion of the present established route of said road lying and passing through the town of Wheeling, but that

both routes be deemed and declared to be public highways, of which supervisors will alike open and keep in repair.

SEC. 2. This act to take effect and be in force from and after its passage, a salunce heart and to a respect of alabra & notices hundre of to A aA

CHAPTER CXC.

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An Act authorizing the location of a state road in the counties of Clinton and Howard.

[APPROVED FEBRUARY 14, 1848.]

SECTION 1. Be it enacted by the General Assembly of the State of Indiana, That Samuel B. Thompson, of the county of Clinton, Harles Ashley and Solomon Fortner, of the county of Howard, be, and they are hereby, appointed commissioners to view, mark, and locate a state road, commencing at the Michigan road where said road crosses the middle fork of Wild Cat creek, in Clinton county, thence due east on the present location of a county road the distance of eight miles, from thence eastward on the nearest and best route until it intersects the state road leading from Strawtown, in Hamilton county, to Peru, in Miami county.

Sec. 2. Said commissioners, or a majority of them, shall meet at the place of beginning at any time that they may agree upon, and proceed to locate said road as above directed, and shall report their proceedings to the county boards of the counties in which

said road is situated.

SEC. 3. Said commissioners shall receive for their services one dollar and fifty cents per day, and the surveyor and other hands employed in the location of said road shall receive a reasonable allowance, which shall be allowed and paid by the county boards in proportion to the length of road that may be in each county respectively.

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SEC. 4. This act to be in force from and after its passage. hern changed from its former location by the proper outhority of

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An Act to locate a state road in Allen and DeKalb counties.

[APPROVED FEBRUARY 14, 1848.]

Section 1, Be it enacted by the General Assembly of the State of Indiana, That Nathan Colman and Peter Parker, of Allen county, and John Wyatt, of DeKalb county, be, and they are hereby, appointed commissioners to view, mark, and locate a state road, commencing at Thomas Hamilton's mills in Allen county, and from thence running north on a section line so as to run three or four miles east of Auborn, in DeKalb county, until it intersects the road leading from Enterprise to Angola, in Steuben county.

Sec. 2. Said commissioners, or a majority of them, shall meet at any time that may suit their convenience, and proceed to locate said road according to the provisions of the first section of this act, and shall report accordingly to the auditors of their respective

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counties.

Sec. 3. This act to be in force from and after its passage.

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An Act regulating the sale of spirituous liquors in the town of Centreville, in Wayne rigues bies arrest an analysis county.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That if any person or persons shall sell, within the corporate limits of the town of Centreville, in Wayne county, in this state, any spirituous liquors to be used for any other than scientific or medicinal purposes, except the same is sold or given under the directions of a regular practicing physician, such person or persons so offending shall, upon conviction thereof in the proper circuit court, on presentment or indictment, forfeit and pay to the State of Indiana any sum not less than two nor more than one hundred dollars.

SEC. 2. In addition to the above penalty, every person or persons guilty of such offence shall forfeit and pay to the corporation of said town of Centreville any sum not less than five nor more than five hundred dollars, to be recovered in an action of debt before any justice of the peace in said county, in the corporate name and for the use of said town.

SEC. 3. Every person who shall within the corporate limits of said town sell or give any spirituous liquors to any person in a state of intoxication, or to any person who is in the habit of becoming intoxicated, shall be liable to the penalties prescribed in the foregoing sections of this act.

SEC. 4. It shall be the duty of the president judge of the sixth judicial circuit to give this act specially in charge to the grand jury.

Sec. 5. This act to be in force from and after its passage and its publication in the Wayne County Record.

CHAPTER CXCIII.

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An Act to authorize the board of commissioners to lease the seminary in the county of Wayne.

[APPROVED FEBRUARY 14, 1848.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the board of commissioners for Wayne county, Indiana, be, and are hereby empowered to lease for a term of years, not less than thirty nor more than fifty, the seminary buildings in said county, together with all the lots and real estate belonging to

or appertaining to the said county seminary.

SEC. 2. It shall be made a condition in the said lease by said board, that the lessee shall, within a reasonable time after accepting said lease, finish the main building belonging to the said county seminary, and put and keep all the seminary buildings in good repair during the continuance of said lease; and, also, it shall be further conditioned, that the said lessee shall, during the continuance of the said lease, keep and continue in the said seminary buildings a high school, which shall be open to all persons applying for entrance, on their paying the usual tuition fees; and the said lessee shall, at no time during the continuance of the lease, without authority from the legislature, divert the said seminary buildings from the purpose aforesaid.

Sec. 3. The said board are hereby empowered to assign and transfer to the said lessee all the present and accruing funds belonging to the said county seminary, to be by the said lessee applied in such manner as the lessee and board by contract may agree.

Sec. 4. And be it further enacted, That the said board may retain, by contract with the said lessee, such supervision over the said seminary buildings and the school to be taught therein, as they may deem necessary and conducive, so as to guard the interests of the county.

Sec. 5. All laws and parts of laws coming in conflict with the foregoing provisions are hereby repealed.

CHAPTER CXCV.

An Act to regulate the sale of spirituous liquors in the county of Floyd.

APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be lawful for the county commissioners of Floyd county to grant to any person or persons a license to vend or retail spirituous liquors in the township where such person or persons reside: Provided, however, That, before such license shall be granted, the applicant shall present to the board of commissioners a recommendation for such license, signed by twenty-four resident freeholders of the township: And, Provided, further, That no license shall be granted by the commissioners of said county, for the purpose aforesaid, within any township in said county where a majority of the legal votes in such township shall remonstrate against the granting of license to sell or vend spirituous liquors by ratail within the same.

Sec. 2. That for each license to vend or retail spirituous liquors the board of commissioners shall not charge less than ten nor more than fifty dollars, and such license shall be granted for the period of one year and not less. And all moneys received by the county for such license shall be set apart for the benefit of common schools in said county, and be distributed at the same time and in the same manner as the interest on the surplus revenue is now distributed.

SEC. 3. That an act entitled "an act in relation to retailing intoxicating liquors in Floyd county," approved January 19th, 1846, and "an act to authorize the people of the several townships of the several counties to prohibit the retailing of spirituous liquors," approved January 28th, 1847, together with all laws or parts of laws contravening the provisions of this act be, and the same are hereby repealed, so far as relates to the county of Floyd.

Sce. 4. That this act shall take effect and be in force from and after the first Monday in April, 1848; and it is hereby made the duty of the secretary of state to forward a certified copy of this act

to the auditor of said county without delay. commissionen mamed in the first section of this \$4\$ shall appoint

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CHAPTER CXCV.

An Act incorporating the Harrison, New Trenton, Rochester, and Brookville Turnpike Company.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Warren Tebbs, William Purcel, of Dearborn county, Allen Backhouse, Joseph Bennet, John T. Cooley, Zadoc Nyer, Enoch McCarty, Ephraim Rockifellar, Hiram Carmichael, of Franklin county, their associates and successors in office, duly elected, be, and they are hereby, constituted a body corporate under the name of "The Harrison, New Trenton, Rochester, and Brookville Turnpike Company," and by that name may contract, and be contracted with, may sue and be sued, prosecute and be prosecuted to final judgment in all courts having competent jurisdiction, and do and perform all other acts and things legitimate for such company to do; and they are hereby invested with all the powers and privileges in anywise necessary and expedient to carry into effect the proper business of the association.

Sec. 2. The capital stock of said company shall consist of sixty thousand dollars, and may be increased at any time to any sum not to exceed double that amount, that may be necessary to carry into execution the legitimate objects of said company, and said stock

shall be deemed and taken as personal property.

Sec. 3. Said stock shall be divided into shares of fifty dollars each, and may be taken by any individual, company, county, or state, to be paid for in cash, labor, or any kind of property, real or personal, that may be agreed upon, and in such way and manner, and at such times and places as shall be by the company prescribed.

Sec. 4. Any five of the persons named in the first section of this act shall constitute a quorum for doing business; and so soon as may be deemed expedient they shall meet at such place as may be agreed upon, (having given three weeks' notice in one of the newspapers published in Franklin county,) and shall proceed to open books for subscription of the capital stock, and do all other things necessary to a full organization of said company.

SEC. 5. In case a quorum shall fail to attend at any time and place agreed upon, those attending may either adjourn to some other day and place, or they may consider the stations of the absentees, or any of them as vacated, and appoint a suitable person

or persons to fill the same.

Sec. 6. So soon as may be deemed expedient, after twenty thousand dollars of the capital stock shall have been subscribed, the commissioners named in the first section of this act shall appoint some suitable time and place (giving three weeks' notice in the paper as above) for holding an election for seven directors, each of

whom shall be a stockholder in said company; and said commissioners shall in all things manage said election, and shall give proper certificates to all the persons elected, who shall hold their offices for one year, and until their successors are elected and qualified.

SEC. 7. At said election, and at each subsequent election, each stockholder shall have one vote on each share up to ten; one vote on every two shares from ten up to thirty; [one vote] on every three shares above thirty up to sixty; and one vote on every five shares above sixty; and each stockholder may vote in person or by proxy; but said proxy shall be by a certificate from the hand of the stockholder voted for, and the election of directors shall be annual on the first Monday in February, notice of which shall be given in such manner as the directors or a majority of them shall direct.

Sec. 8. So soon as the first board of directors shall have been elected and sworn into office, said commissioners shall deliver over to them the subscription books, together with all other things belonging to the company. Said board of directors shall choose one of their number to act as president; they shall also appoint a secretary and treasurer, and this mode of organization and qualification shall be continued and observed by each subsequent board of directors, and a majority of said directors shall constitute a quorum to do business and to supply any vacancies that may occur in their

own body.

Sec. 9. Said company shall have power to view, mark, locate, and construct a turnpike road from the town of Harrison, in Dearborn county, to the town of Brookville, in Franklin county; and they shall, either before or after the location of said road, obtain from any person or persons, through whose lands the same may run, a relinquishment of so much of said land as may be necessary for the construction of said road; also, the stone, gravel, timber, and other materials, and may contract for any stone, gravel, or any other material that may be obtained near thereto; to receive any donations, gifts, grants, or bequests of lands, moneys, labor, property, gravel, wood, or materials for the benefit of said corporation.

Sec. 10. The corporation shall commence the construction of

said road within five years of the passage of this act.

Sec. 11. The corporation shall cause said road to be opened not less than sixty feet wide, and at no greater inclination or grade than four and a half degrees, at least eighteen feet of which shall be stone or gravel, well compacted together, in such manner as to secure a firm, substantial, and even road, rising in the middle with a gradual curve, and shall maintain and keep the same in good repair.

Sec. 12. So soon as said corporation shall have completed said road or any continuous five miles thereof, agreeably to the provisions of this act, they may erect a gate or gates at suitable distances apart, not less than five miles; and demand and receive of per-

sons traveling on said road the tolls allowed in this act.

Sec. 13. The following shall be the rates of tolls for each and

every ten miles of said road, and in the same proportion for a greater or less distance; to wit: for every four-wheeled carriage, wagon, or other vehicle drawn by one horse or other animal, a sum not to exceed fifteen cents; for every horse or other animal in addition, five cents; for every cart, chaise, or other two-wheeled carriage or vehicle drawn by one horse or other animal, not exceeding ten cents; for every horse or other animal in addition, five cents; for every sled or sleigh, drawn by one horse or other animal, five cents; for every horse or other animal in addition, five cents: for every coach, chariot, or other four-wheeled pleasure carriage, drawn by one horse or other animal, not exceeding fifteen cents; and for every additional horse or other animal, five cents; for every horse and rider, not exceeding ten cents; for every horse, mule, or ass, six months old or upwards, led or drove, not exceeding three cents; for every head of neat cattle, six months old or upwards, one cent levery hog or sheep, a half cent.

SEC. 14. The company shall put and keep up at the end of every mile, a post of stone or wood, with the number of miles from each extremity plainly cut or painted thereon; and also, in a conspicuous place near each gate, shall be placed a board with the rates of toll fairly and legibly painted thereon; and no tolls shall be collected at any gate on said road unless said board with said

rates of toll shall be put and kept up at or near said gate.

SEC. 15. When any portion of said road shall become so injured, either from rains, frosts, travel, or any other cause, that the person or persons travelling thereon shall feel aggrieved by the payment of tolls, the complainant shall proceed to the nearest justice of the peace; and on complaint being made to him, he shall appoint two disinterested persons who shall proceed to examine said road, or that portion complained of; and if they, upon an examination of said road, under oath, shall think it so injured that tolls ought not to be collected, then and in that case they shall forthwith report to any and all the gate keepers upon that part of the road thus injured, and no gate keeper thereafter shall collect any tolls on that part of the road thus condemned, until said road shall be repaired.

Sec. 16. The company hereby incorporated shall issue no bonds, notes, or bills, to pass as a circulating medium, under the penalty of not less than one thousand dollars, by action of debt, one-tenth thereof to the complainant, and the residue for school purposes to be equally divided between the counties of Dearborn and Franklin.

Sec. 17. It shall be lawful for the supervisors of the roads through whose districts said turnpike shall run, to labor on said turnpike road where it is graded, but not after the stone and gravel

are put thereon.

Sec. 18. The form of subscription to the capital stock of said company shall be as follows; "We, the undersigned, promise to pay the sum of fifty dollars for each share of stock set opposite to our names, in such manner and proportions, and at such time as the president and directors of the Harrison, New Trenton, Rochester

and Brookville Turnpike Company shall direct. Witness our hands

this—day of—184-."

SEC. 19. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held. They shall be signed by the president and countersigned by the clerk. The stock shall be transferable on the book of the corporation only, personally or by an agent or attorney, or by the administrator, executor, trustee or guardian; but such stock shall at all times be holden by the corporation for any dues from the holder thereof to the corporation.

Sec. 20. The legislature hereby reserves the right to alter, amend or repeal this act, *Provided*, *however*, Said repeal shall not take place unless it shall be made appear to said legislature that there has been a gross abuse of the powers hereby granted.

SEC. 21. All acts, whether original or amendatory, in relation to turnpike roads from Harrison to Brookville, be and the same [are] hereby repealed so far as relates to the road between the two above mentioned places.

Sec. 22. This act to take effect and be in force from and after

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CHAPTER CXCVI.

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An act to incorporate the town of Clinton.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That John Whitcomb, Silas Davis, Alonzo Lyons, Jesse M. Boothe, and J. S. Palmer be and they are hereby appointed trustees of the corporation of the town of Clinton, in the county of Vermillion, State of Indiana, to serve as such until the first Monday of September, 1848, and until their successors are elected and qualified as hereinafter directed.

Sec. 2. That said trustees shall elect a president from their own body, whose duty it shall be to preside at all meetings of the board, preserve order, put all questions, and upon equal division of the board give the easting vote; and the said trustees shall also appoint all officers necessary to carry into effect the provisions of this act, and make such compensation for their services as to them shall seem reasonable and right; they shall also have power to allow themselves reasonable compensation for their services.

Sec. 3. That the said president and trustees of said town of Clinton and their successors in office, shall be and they are hereby declared to be a body politic and corporate, with perpetual succession, by the name ands tyle of the "President and Trustees of the

town of Clinton," and by their corporate name shall be capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court having competent jurisdiction, and shall have power to make, have, and use a common seal, and the same to alter, amend, and break at pleasure; to ordain, establish, and put into execution and carry into effect such by-law, rules, ordinances, and regulations necessary and proper for the benefit, convenience, good government, and policy of said town.

Sec. 4. That the said president and trustees, or a majority of them, shall have power to lay off said town into as many wards as said president and trustees may deem necessary, should they deem it expedient to do so; and on the first day of September annually, there shall be an election, at some convenient place in said town, to be designated by said president and trustees, to be elected by ballot, five trustees for said corporation, at which election each white male citizen of said town who shall have the qualifications of a voter for state and county officers, and shall have resided in said town three months next preceding such election, shall be entitled to vote at the same, ten days previous notice of which election shall be given by the president and trustees aforesaid, by public notice in some newspaper printed in said county, or written notices set up in three of the most public places in said town, designating the time

and place of holding such election.

Sec. 5. The president and trustees at their meeting preceding the annual elections shall appoint an inspector of all elections, whose duty it shall be to attend the same, and call to his assistance two other qualified voters who shall be judges of said election, and they shall appoint two clerks of the same, all of whom after taking an oath or affirmation, which oath or affirmation may be administered by said inspector to said judges and clerks, and by one of said judges to said inspector, faithfully to discharge their respective duties, shall proceed to receive votes between the hours of ten o'clock A. M. and six o'clock P. M. on said day; the judges shall determine legal qualifications of voters, for which purpose the inspector may administer to the voter the necessary oath; if the said inspector shall not be present at the proper time of opening such election, the electors may choose one to act in his place, or if the electors fail to meet and elect, the corporation shall not thereby be dissolved, but the president and trustees then in office shall continue until others, their successors, shall be elected at an annual meeting of the electors, and qualified.

Sec. 6. It shall be the duty of the inspector and judges of such election to certify under their hands and seals the five persons who · received the highest number of votes, which certificate shall be filed and kept on record by the clerk of the corporation, whose duty it shall be to deliver a copy thereof to each of the five persons elected, which certificate shall be sufficient authority for such person to take his seat as a trustee; in case there should be a tie between any

sion, by the name ands tyle 48 the "President and Transecs of the

persons at said election, the result shall be determined by lot, to be drawn by the judges; the trustees elected as above directed, or a majority of them, shall meet within ten days after such election, and after taking an oath or affirmation faithfully, dilligently, and impartially to discharge their duties as trustees, shall elect one of their body to preside as in the second section of this act; in case of his absence at any meeting of the board they shall appoint a president pro tempore. No person shall be eligible as a trustee unless he is a qualified elector, and also a freeholder within the bounds of this corporation; when vacancies happen by death, resignation, refusal to serve, or otherwise, such vacancies shall be filled by appointment of the trustees until the next annual ellection. A majority of the trustees, including the president, shall at all times form a quorum; they shall meet on their own adjournments, and appoint their officers

as in the second section of this act.

SEC. 7. It shall be the duty of the president to sign all laws, ordinances and decrees of a public nature, and also sign the records of all by-laws and journals, and minutes of their proceedings; and at the first meeting of the president and trustees, after taking effect of this act, and after each annual election, as soon as may be convenient they shall elect or appoint a clerk and treasurer and also a marshal of said corporation, should they think it expedient to do so. each of whom shall serve one year, and until their successors shall be chosen and qualified, and shall possess the qualifications of voters, and take a similar oath of the trustees, give bond and security payable to said president and trustees, conditioned for the faithful discharge of their duties respectively; and on failure to perform all or any of the conditions of said bond they shall be liable to the suit of the president and trustees aforesaid, on said bond, or against them and their security, who may assign breaches upon condition of said bond, and recover a judgment for any default in the discharge of the duties of such officers, together with full costs of suit and ten per centum damages if suit be brought for the non-payment of any sum of money due said corporation, in any court having competent jurisdiction, and on which judgment there shall be no stay of execution.

SEC. 8. The president and trustees shall have power to levy and collect annually of each male inhabitant of the town subject to pay a county poll-tax, any amount not less than fifty cents nor more than one dollar, and on real and personal property a tax not exceeding one fourth of one per centum on its valuation, and they may in their discretion levy and collect from owners or keepers of dogs within the corporation a tax of not less than fifty cents nor more than one dollar, and on all shows, exhibitions, or amusements which may be exhibited for gain within the bounds of the corporation, not less than one nor more than ten dollars for every exhibition; and the said board shall have power to pass such laws or ordinances as may be necessary to guard against damage by fire, to to regulate and govern the markets, to prevent the erection of public nuisances, and remove the same, and generally to enforce, by proper penalties, the observance of all laws and ordinances relative to the policy and government of said incorporated town; they shall have power to establish the grade of the streets, to construct wharves, and to regulate the manner of payment and collection of wharfage, to improve and keep in repair, and remove any obstructions in the

streets, alleys, public squares, and commons in said town.

Sec. 9. The powers of the corporation for the purpose of raising a revenue by taxation, (except the tax upon shows, exhibitions, and amusements, mentioned in the eighth section of this act,) shall be confined to the limits of the town plat, as the same is recorded in the recorder's office of Vermillion county, and to the limits of all the additional plats, which have or may hereafter be laid off, of town lots adjoining thereto, and the said corporation may extend its jurisdiction for all other legitimate purposes one full half mile beyond the limits aforesaid; all public ground which lies between the plat or plats of said town and the Wabash river, is, and forever shall remain, under the jurisdiction and control of said corporation; and said corporation is hereby authorized and empowered to exercise full and ample jurisdiction over all streets and alleys, and over the margin of the river, and to the very lowest water mark thereof.

Sec. 10. The clerk shall attend all meetings of the board of trustees-shall make a record of all their proceedings in a book kept for that purpose, enter in said book all laws and ordinances passed by said board, and when the board of trustees shall direct, it shall be the duty of said clerk to procure from the county auditor an abstract of all the taxable property within the bounds of the plat of said town, subject to taxation by the provisions of this act, which abstract shall govern so far as practicable said clerk in making out his duplicate; Provided, however, That the said board of trustees shall have power to reduce the amount of the valuation of personal property contained in said abstract, if they shall be satisfied that the same was assessed upon property not within the limits of the corporation hereby subject to be taxed, and the said board may add to the amount of the valuation of personal property whenever they are fully satisfied that justice requires it.

Sec. 11. The president and trustees shall cause the clerk, before the first Monday in October in each year, to make out a fair list, in alphabetical order, of all persons taxable with a poll tax, personal property, and with real property or other tax, with the valuation of the real and personal property, setting forth the owner's name, if known, the amount of tax chargeable to each person, and shall deliver the same within thirty days thereafter to the marshal, a duplicate copy of which duplicate or tax list shall be kept on file, by the clerk, in the office of the board; such list, so put into the hands of the marshal, certified by the president and attested by the clerk, shall be sufficient authority for the marshal to collect the same.

Sec. 12. It shall be the duty of the marshal to receive the amount of taxes due from each individual, on or before the first day of Febru-

ary next, after the receipt by him of the said duplicate, and pay the same over immediately to the treasurer; and in all cases where the taxes assessed are not paid by that time by any individual, it shall be the duty of the marshal to proceed and collect the same by distress and sale of any of the personal property of any such delinquent, subject to execution by the laws of this state, by giving ten days' notice of the time and place of such sale by setting up three advertisements, in public places; and the marshal shall be authorized to charge the same fees for advertising and selling, as is allowed constables for similar services, and may adjourn his sale from day to day for three days; and if at the final adjournment of his sale any of the taxes remain unpaid, he shall return the same as delinquent at the time of his settlement with the board of trustees: and the clerk shall add the same to the duplicate for the next year, if the same shall have been assessed upon personal property, poll tax, or a tax upon dogs.

Sec. 13. The marshal shall, on the first Monday in May, or sooner if required so to do by the board of trustees, make a full return of the amount of the taxes collected by him, to the clerk of the board of trustees, together with a list of delinquent taxes on the duplicate, noting distinctly whether the delinquency occurred upon the assessment of real estate, or otherwise; which return the said

clerk shall file in the office of the board of trustees.

Sec. 14. When the tax on any real estate, hereby authorized to be levied and collected, shall be returned delinquent, the board of trustees shall direct the clerk of said board to make out a list of such delinquent taxes, which delinquent list when signed by the president and attested by the clerk, shall be delivered to the auditor of Vermillion county, whose duty it shall be to charge the same in his duplicate to the persons so delinquent, stating the owner's name (if known) in the same manner as the tax for state and county purposes, to be collected by the county treasurer at the same time and in the same manner as state and county taxes are collected, and to be paid over by him to the treasurer of said corporation, upon the order of the board of trustees, attested by the clerk. And the same lien which attaches to real estate, for state and other taxes as provided for by the sixty-third section of chapter twelfth of the Revised Statutes, shall in like manner attach for corporation taxes; and the law in relation to the redemption of real estate when sold for state and county taxes, shall also apply to the corporation taxes herein specified.

Sec. 15. All bonds given by the corporation and all contracts entered into with the corporation, shall be in the name of the "President and Trustees of the town of Clinton," and all suits commenced for the benefit of the corporation or when the corporation shall be dependent, shall be in the name of the "President and Trustees of the town of Clinton," without setting forth the name of any

member thereof.

SEC. 16. The said corporation shall have power to acquire and

hold real estate, either by purchase, gift, or otherwise, and sell and improve the same, and if necessary, to borrow money; but no money shall ever be borrowed so as to make the corporation debt to be more than five hundred dollars at any one time, without the consent in writing (stating the object for which it shall be borrowed) of a decided majority of all the qualified voters of the town.

Sec. 17. It shall not be lawful for any person within the bounds of the corporation to sell any spiritous liquors in any less quantity than one quart, or keep what is called a tippling house, unless such person or persons shall, in addition to a license, obtained from the board doing county business, obtain a license from the trustees of said town, who is hereby authorized to grant the same to such applicant for one year, such applicant paying into the treasury of the corporation, a sum not less than five nor more than fifty dollars, at the discretion of the corporation; and if any person shall sell any spiritous liquors contrary to the provisions of this act, or shall keep a tippling house within the bounds of said corporation without such license obtained from the board of trustees of said town, the person or persons so offending, on conviction thereof, on presentment or indictment in any court of competent jurisdiction, shall be fined in any sum not less than ten nor more than fifty dollars, for the use of the corporation.

Sec. 18. Whenever a majority of the adult white inhabitants of the said corporation, shall by remonstance in writing directed to the president and trustees of the incorporation, or to the board of county commissioners doing county business in the county of Vermillion, signify their desire that no ardent spirits, wine, or malt liquor, shall be sold therein by a less quantity than one quart, the said board of trustees and county commissioner, shall not grant to any person a license to sell ardent spirits, wine, or malt liquors within the limits of said corporation, contrary to such remonstrance when once made, and such remonstrance when once made, shall continue in force, until superceded by petition signed by a majority of the adult white inhabitants of such incorporated town, and this section shall be deemed to extend and apply to taverns as well as

groceries and coffee-houses.

SEC. 19. No person shall be incompetent to be a witness in suits for the violation of any by-law or ordinance of the president and trustees, because such person is a citizen of the town, and a copy of the record kept by the clerk of all by-laws, ordinances, and other proceedings of the board of trustees, signed by the president and certified by the clerk, shall be sufficiently authenticated to be admitted as evidence in any court of this state.

Sec. 20. The treasurer shall have the custody of all the moneys of the corporation, and pay over the same to the order of the president and trustees, he shall also report to them the condition of the

treasury when required so to do.

Sec. 21. All laws and ordinances passed by the president and trustees of a public nature, shall be published by setting up written

or printed copies thereof, in three of the most public places in the corporation ten days before the same shall be in force; they shall cause a full statement of the receipts and expenditures of the past year, annually on the first day of March, to be posted up in three of the most public places in said town.

SEC. 22. The times hereinbefore stated, when elections shall be held, and certain other acts shall be done, are directory only, and no election or other act shall be void, because the same was not held

or done on any particular day.

SEC. 23. The president shall have the power to issue, and the marshal to serve process in any manner relating to any violations of the laws and ordinances of the president and trustees, and to carry the same into as full effect for any violation thereof, as justices of the peace and constables have now, or may hereafter have, to carry into effect any process issued by virtue of any law of this state, and shall be entitled to receive and authorize to collect the same fees that shall be or are allowed to justices of the peace and constables for performing similar services; and the parties to any suit before the president shall have the same right to a change of venue, to a trial by jury, and to an appeal, as if the same was pending before a justice of the peace; and the president when officiating as authorized by this section, shall keep a record of his proceedings which record, or a certified copy thereof, shall in all respects have the same effect as the docket of justices of the peace, and shall be evidence in any court. The marshal shall attend all trials before the president, shall serve all process issued by the president, and his power, for this purpose, shall be co-extensive with the county of Vermillion; in case of the absence or inability of a marshal, the president may direct process to some other person, whose authority and duty shall be the same as that of the marshal, in like cases. It shall be the duty of the marshal to report to the president all violations and infractions of any of the penal regulations of the corporation which may come to his knowledge, and shall be a peace officer within the town.

Sec. 24. It shall be the duty of the keeper of the jail of Vermillion county, to receive into his custody any prisoner or prisoners who may from time to time be committed to his charge under the authority of said president, and to safely keep every such prisoner according to the warrant or precept of commitment, until he, she, or

they be discharged by due course of law.

Sec. 25. This act to take effect and be in force from and after its passage.

CHAPTER CXCVII.

An Act declaring certain lots in the town of Greencastle without the corporation of said town.

[APPROVED FEBRUARY 14 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the corporation of the town of Greencastle, shall not be taken to extend to out lots two hundred and seven, two hundred and twelve, two hundred and fourteen, two hundred and eleven, and two hundred and eight; but that said lots are hereby declared to be out of the corporation of said town.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXCVIII.

An act to authorize additional election precincts in Decatur county.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be lawful for the board of commissioners of the county of Decatur, at their discretion, to create an additional place of holding elections, in any township of said county, without requiring a written application from a majority of the voters of the township.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXCIX.

An act making allowances to the adjutant and quartermaster general, for the year 1847.

[APPROVED FEBRUARY 16, 1848.]

WHEREAS, The duties of the adjutant general of Indiana, in connection with the State militia, and raising, organizing, and forwarding the fourth and fifth regiment of Indiana volunteers, have employed nearly all the time of that officer during the year 1847, he being the only State officer with said regiments at Jeffersonville and Madison, and doing all duties while there, required of State officers, acting also as financial agent to receive moneys advanced to said regiments, to assist them to the said places of rendezvous and paying the same over to the State; AND WHEREAS, He has not only paid from his own pocket, all his personal expenses, while engaged with said regiments, but also, the sum of \$72 08 for the rent, fuel, lights, and a portion of the stationery of the office which by law he has to keep, and has received but \$100: AND WHEREAS, The quartermaster general has received but \$100 for all his services as such for the year 1847, which have been heavy in consequence of the increased activity of the State militia caused by the pressure of war; Therefore:

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the quartermaster general of the Indiana militia be allowed for his extra services in 1847, the sum of two hundred dollars.

Sec. 2. That the sum of seventy-two dollars and eight cents, be refunded to said adjutant general which was by him paid out in 1847, for rent, fuel, lights, and stationery of the office which he is bound by law to keep; and that for all his services with the district and independent militia of this State in the year 1847, he be allowed in addition to the hundred dollars already received, the sum of one hundred and fifty dollars.

SEC. 3. That it shall be the duty of the Governor to take proper measures to procure from the general government the refunding of any allowance made by the bill, which expense should properly be

bost abolidars or thought block of work where days it shall be

borne by the general government.

CHAPTER CC.

An Act to repeal "an act exempting improvements on real estate from taxation in the counties of Kosciusko and Miami," approved January, 23, 1847, so far as the county of Miami is concerned.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That an act entitled "an act exempting improvements on real estate from taxation in the counties of Kosciusko and Miami," approved January 23, 1847, be, and the same is hereby repealed, so far as the same relates to the county of Miami.

SEC. 2. The general laws of the state are hereby revived in

said county relative to county taxes.

SEC. 3. This act to take effect and be in force from and after its publication in the Indiana State Journal

And Wingress, The questionness general has received but \$100

in all his pervises as gride the the year 1867, which have been

CHAPTER CCI.

An Act for the relief of persons who have made improvements on school sections in the Miami Reserve.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That all persons having settled and made improvements on school sections in the Miami Reserve, prior to the time said lands were surveyed by the UnitedStates, or who have come into the possession of such improvements by purchase from the original settler be, and they are hereby, entitled to have a just and fair valuation for such improvements, made or purchased prior to such survey: Provided, They shall continue to be a settler thereon up to the first day of August, 1848.

Sec. 2. It shall be the duty of the school commissioner, or other person having control over said school lands, in the several counties in which said lands are situated, to select two discreet persons, householders or freeholders in said counties, whose duty it shall be, under an oath, to be administered by any person authorized by law to administer oaths, to appraise, upon actual view, the improvements on each and every school section in the respective counties being and lying in the territory known as the Miami Reserve. Said appraisers shall report to the school commissioner, or other person

having authority to sell said lands, within thirty days after making said valuation, the amount of improvement and its value; which report shall be entered in the proper book for the entry of sales, by such school commissioner, or other person having control of the same.

SEC. 3. Such school commissioner or other person selling said lands shall, when said lands are appraised, issue a certificate to the person or persons owning such appraised improvement, of the amount and value thereof, which shall be evidence in the hands of such holder of the amount due him or them for such improvement.

Sec. 4. When any of the before named school lands are offered for sale, it shall be the duty of the officer conducting such sale to give the person or persons owning such improvement the right to make the first bid, but should it be bid off by any other person, he shall bid it off subject to pay the appraised value of the improvements, as hereinbefore directed, over and above the amount bid for the land, which shall be paid to said officer for the use of such claimant, in four equal annual instalments, for which he shall take notes, with good security, and assign the same to the claimant.

Sec. 5. The provisions of this act shall not extend to any improvements made since the survey of said school lands by the United States, and to enable said appraisers to ascertain the facts in relation to such improvements, they are hereby authorized to examine witnesses, under oath, and hear testimony thereon; and it is hereby made the duty of [the] school commissioner, or other person having control of said lands, to provide, as soon as practicable after the passage of this act, to have said improvements valued as herein directed.

Sec. 6. This act to take effect and be in force from and after its passage and publication.

CHAPTER CCII.

An Act authorizing supervisors to work a certain road in Ohio county-

(APPROVED FEBRUARY 16, 1848.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the several supervisors of road districts in Ohio county through which the Rising Sun, Versailles, and Napoleon turnpike road may pass, be, and they are hereby, authorized to apply any or all of the road tax of their respective districts on said

turnpike road, until toll gates shall be erected or tolls charged on said road.

Sec. 2. This act to take effect and be in force from and after its passage.

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CHAPTER CCIII.

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An Act to improve the breed of horses in the county of Miami.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That, hereafter every keeper or owner of any stallion that may be kept and let to mares for a compensation or reward, in the county of Miami, shall procure a license for that purpose; for which he shall pay into the county treasury, to be distributed for the use of common schools, the sum of five dollars, for each year, in each and every case.

Sec. 2. Said license shall be granted in the same manner as provided by article 11, chapter 12, of the Revised Statutes of 1843, for the granting of other licenses; and in case any keeper or owner as aforesaid, should fail or neglect to procure such license, he shall be liable as provided in the 176th section of said chapter.

Sec. 3. This act to be in force from and after its passage.

CHAPTER CCIV.

[An Act to compensate William Robinson, of Franklin county, for certain services therein named.]

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the sum of one hundred and twenty-two dollars and eighty-one cents be allowed out of any money in the state treasury, not otherwise appropriated, to William Robinson, of the county of Franklin, in full of all expenses for the pursuing, arresting, and bringing back to the State of Indiana William Harris, a fugitive from justice, who had fled from this state to that of Ohio.

This act to take effect and be in force from and after its passage.

CHAPTER CCV.

An Act for the benefit of the Jeffersonville and New Albany Railroad Company.

[APPROVED FEBRUARY 16, 1848,]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the said company shall have the right and power to extend their work or road to the river's edge at either or both of the extremities of said road, and to take and condemn any materials or property on said route necessary and proper for the right of way and the construction thereof, on the conditions prescribed in the act of 1842, which gives to private companies the right to take and complete public works of the state; Provided, That the continuation of said work into the towns of Jeffersonville and New Albany beyond its present terminus be subject to the consent of the city councils thereof respectively; Provided, further, That said company, before taking possession of the bridge and other property belonging to the Silver Creek Bridge Company, shall pay to said bridge company the full amount expended by them on said bridge and the repair of the road leading thereto.

Sec. 2. This act to take effect and be in force from and after its

passage.

CHAPTER CCVI.

An Act making additional allowance to the Secretary of State.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the secretary of state be allowed the sum of one hundred dollars for extra services done by him in filling up, signing, sealing, and recording military commissions since the 26th day of January, 1847, up to this time.

SEC. 2. That it shall be the duty of the treasurer of state to pay over to the person named in this act the amount allowed him, out of any moneys not otherwise appropriated, on the presentation of the

claim, properly audited by the auditor of state.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCVII.

An Act to repeal an act entitled "An Act to provide for a uniform mode of doing township business in Clay county."

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That an act entitled "An act to provide for a uniform mode of doing township business in Clay county," approved January 13, 1845, is hereby repealed.

SEC. 2. The general laws of this state as relates to the above

named act are hereby extended to said county of Clay.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCVIII.

An Act to incorporate the Clinton Iron Manufacturing Company.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Hugh Stewart, John R. Whitcomb, William Kile, Benjamin R. Whitcomb, and William P. Dole, their associates, successors, and assigns be, and they are hereby, made a corporation, by the name of the Clinton Iron Manufacturing Company, for the purpose of manufacturing iron, nails, and other manufactures of iron, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requisitions contained in the statutes of 1843, chapter 32, article 2, respecting corporations.

Sec. 2. That the capital stock of said corporation shall not exceed one hundred thousand dollars, and that the said corporation may be lawfully seized and possessed of such real estate as may be necessary and convenient for the purposes aforesaid, not exceeding in value the sum of twenty thousand dollars, exclusive of buildings and improvements that may be made thereon by the corporation.

SEC. 3. This act shall take effect and be in force as a public act for the term of fifty years from and after its passage, unless the said corporation shall be sooner dissolved by the stockholders, of which due public notice shall be given.

CHAPTER CCIX.

An Act amendatory to an act establishing a free turnpike road in the counties of Allen,
Whitley, Koseiusko, and Marshall.

[APPROVED FEBRUARY 15, 1848.]

Section I. Be it enacted by the General Assembly of the State of Indiana, That the name of George Moore, of the county of Kosciusko, be and it is hereby substituted in the stead of John D. Standford, in the first section of an act entitled "An act to establish a free turnpike road in the counties of Allen, Whitley, Kosciusko, and Marshall," approved January 27, 1847.

SEC. 2. The fourth section of said act is hereby so amended as to require the officers of election to open the poll in said section provided, at the August election succeeding the location of said

road.

SEC. 3. The ninth section of said act is hereby repealed, and this act shall be in force from and after its passage, and it is hereby made the duty of the secretary of state, as soon as practicable, to forward a certified copy of this act to each of the clerks of the counties above named.

CHAPTER CCX.

An Act for the relief of William A. Richardson and others.

[APPROVED FEBRUARY 16, 1848.1

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the auditor of state be and he is hereby authorized and directed to issue his warrant on the treasurer of state, in favor of William A. Richardson, of the county of Vermillion, for the sum of fifty dollars, being the amount advanced by said Richardson, to secure the arrest and return to said county of Vermillion, Charles Bradley alias Charles Bennett, a fugitive from justice from this State.

SEC. 2. Be it further enacted, That the said auditor be and he is hereby also authorized and directed to issue his warrant on the said treasurer of state in favor of Melvin P. Lowry, of the county of Vermillion, for the further sum of seventy-five dollars, to be by him paid and distributed to such persons as have contributed certain sums of money to be paid, and which were paid to the captors of the said Bradley alias Bennett, and it is hereby made the duty of

said Lowry, if any part of the sum by this section appropriated shall be unclaimed within three months from the first day of March next, by the contributors, to pay the same into the treasury of Vermillion county, and the same shall be passed to the credit of the state treasury and paid into the same by the treasurer of said county.

SEC. 3. This act to be in force from and after its passage, and a copy thereof to be forthwith transmitted to the auditor of Vermil-

lion county.

CHAPTER CCXI.

An Act to change the name of Andersontown, in Madison county, to that of Anderson,

[APPROVED FEBRUARY 16, 1848.]

SECTION 1. Be it enacted by the General Assembly of the State of Indiana, That the name of "Andersontown," the seat of justice of Madison county, be and the same is hereby changed to that of Anderson. and by which name the permanent seat of justice of said county of Madison shall hereafter be known.

SEC. 2. This act to take effect and be in force from and after its

passage.

CHAPTER CCXII.

An Act for the relief of Eleanor Leas.

. [APPROVED FEBRUARY 16, 1848.]

SCETION 1. Be it enacted by the General Assembly of the State of Indiana, That Eleanor Leas, of Fayette county, be and she is hereby authorized and empowered to file her bill for a divorce from her husband, James C. Leas, in the circuit court of said county, on the chancery side thereof.

SEC. 2. And said court, on the proper proof being made that she is a bona fide resident of this state, and has been such resident for twelve months next preceding the filing of said bill, shall entertain jurisdiction thereof in the same manner as though she had resided in this State for the term of two years immediately preceding the filing thereof.

SEC. 3. This act to be in force from and after its passage.

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An Act regulating the width of roads in Marion county.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That hereafter it shall be lawful for the owner of any lands in Marion county through which any county road may pass, who may be aggrieved by the width of such road, to petition the board of commissioners of said county to reduce the width of such road, Provided, Such road shall not be reduced below twenty-five feet in width, and such reduction shall be made equally from each side of such road.

Sec. 2. It shall be necessary for a majority of the owners of the lands through which such road shall pass, to petition said board for such change, setting forth in such petition the width of such road as desired by them, and on such petition said board shall establish the

width of such road.

Sec. 3. All county roads hereafter laid out in said county shall be regulated in the width thereof by the provisions of the first and second sections of this act; Provided, Such roads shall not be more than forty nor less than twenty-five feet in width, to be determined by a majority of such petitioners for such road.

Sec. 4. This act to be in force from and after its passage, and all acts contravening the provisions of this act are hereby repealed.

CHAPTER CCXIV.

An Act to amend an act, entitled "An Act to repeal the act entitled an act to amend the fourth article of the sixteenth chapter of the Revised Statutes of 1843, so far as the same relates to the counties of Washington and Jackson," approved January 5, 1844, so far as the same relates to the county of Washington.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the first section of the act to which this is an amendment shall be so amended as to leave it to the sound discretion of the board of commissioners of said county of Washington, to levy or not the road tax in said section mentioned.

SEC. 2. It shall be the duty of said board, at the March term thereof, annually to determine whether they will levy such tax or not for that year, and if said board shall determine to levy such tax they shall immediately give notice of that fact in some public newspaper in said county, if there shall be one therein published, and in such other manner as they may deem necessary; but said levy shall not be made until the next June term of said board, and thereupon the assessment of that year.

Sec. 3. It shall not be necessary for the clerk of said county to carry the amount of said tax into the duplicate of state and county taxes as provided in the 2d section of the act to which this is an amendment.

SEC. 4. Whenever in any year said board shall, at their March term, determine to levy said tax, and shall give notice thereof as hereinbefore provided, it shall be the duty of the respective supervisors of said county to file in the clerk's office of said county a list of the persons residing or owning property within their respective road districts liable to pay road tax.

SEC. 5. That the word June, in the third section of said act, is changed to July.

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CHAPTER CCXV.

An Act amendatory of an act to incorporate the town of Greenfield, in Hancock county, ap proved January 28, 1847.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That section first of said act be so amended that W. T. Hatch, Nathan Crawford, Morris Pierson, Wm. Sebastian, and R. E. Barnett be, and they are hereby, appointed trustees of the town in said act mentioned, to serve as such until the first Monday in March, A. D., 1849.

Sec. 2. And that section four of said act be so amended that March be inserted instead of February, and that the residence of two months be stricken out, and one month be inserted in lieu thereof.

Sec. 3. All persons now liable, or who may hereafter become liable to a road tax for personal privileges, or for property being in said corporation, shall work out the same within said incorporation, or be liable to the said trustees, or their successors in office, to pay an equivalent, to be recovered as in other actions by said trustees.

Sec. 4. The eighth section of said act shall be so amended that the limits of the said incorporation shall extend one quarter of a mile from the boundaries in said act mentioned.

SEC. 5. Section seventeenth, in said act of incorporation, shall be so amended as to strike out "first," where it occurs in said section, and insert in lieu thereof "ninth or tenth."

Sec. 6. All the provisions of said act of incorporation, approved January 28, 1847, which are not by this act amended or repealed, are hereby declared in full force and virtue in law.

Sec. 7. This act to be in force and take effect from and after its passage.

CHAPTER CCXVI.

An Act making provision for the payment of the witnesses who attended before the select committee of the House of Representatives, in relation to the charges preferred by James Gallettly and others, against the Branch of the State Bank at Terre Haute.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the Treasurer of State be, and he hereby is, authorized to pay out of any money in the treasury not otherwise specially appropriated, to C. P. Hester, three dollars per day for six days; to Samuel Scott, three dollars per day for six days; to T. C. Johnson, three dollars per day for six days; to Isaac Westfall, three dollars per day for eight days; to Andrew Reeves, three dollars per day for seven days; and to James Gallettly, three dollars per day for twelve days, in full satisfaction for their traveling expenses and per diem allowances as witnesses in the case before the select committee of the House of Representatives of the present General Assembly, in relation to the charges contained in the petitions of Jas. Gallettly, Levi Beem, and Samuel Scott, against the Branch of the State Bank at Terre Haute.

SEC. 2. This act to take effect and be in force from and after its

tier, to Sketion seventeenth, or said not of incorporation, shell bet so amended as to visitar ad there, where it notices in said 180-

belonger on helicage too this oil ten machine at all services in CHAPTER CCXVII.

Sec. 7. Threstot to be in ture, and take affers from An Act changing the name of the town of Alton, in the county of Crawford.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the name of the town of Alton, in the county of Crawford, be, and the same is hereby changed to the name of Nebraska.

SEC. 2. This act to take effect and be in force from and after its publication.

CHAPTER CCXVIII.

An Act to authorize A. and A. J. Helton to raise their mill dam.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That A. and A. J. Helton be and they are hereby authorized to raise their mill dam across salt creek, in Monroe county, one foot above its present elevation: Provided, That said A. and A. J. Helton shall provide either a gap or slope in said dam fifty feet wide, so as to ensure and maintain a free and safe navigation for flat boats, and other crafts descending said stream, which gap or slope shall be kept open, and in nowise obstruct such free and safe navigation of said stream at all times, when the same is in a navigable stage immediately above and below said dam.

Sec. 2. This act to take effect and be in force from and after its passage, a tem-dyon of the last table of the north-market

successers in office, by their president, to make, execute, and deliver CHAPTER CCXIX.

be and the same is hereby legalized and made valid to all intents

An Act to revive the act entitled "an act to authorize certain individuals therein named to build a toll bridge across the Kankakee river at Sherwood's ferry, in Porter county: " ap" proved February 15, 1840.

[APPROVED FEBRUARY 12, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the above recited act be and the same is hereby revived and continued in force, for the term of twenty years from and after the taking effect of this act.

SEC. 2. The time mentioned in the said act for the completion of said bridge is hereby extended to the term of three years from the

taking effect of this act.

Sec. 3. This act shall take effect and be in force from and after the passage and publication thereof.

CHAPTER CCXX.

An act to legalize an act of the board of commissioners of Madison county.

[APPROVED FEBRUARY 14, 1848.]

Whereas, it is represented to this General Assembly that William Sparks, James L. Bell, and Bezaleel Thomas, the present board of commissioners of Madison county, in this state, as such board of commissioners have sold to one John H. Davis the east half of the north-east quarter of section fifteen, in township nineteen north, of range seven east, for a valuable consideration, and which land was the property of said county of Madison: And Whereas, The said commissioners were not authorized by law to sell and dispose of said land as aforesaid; Therefore,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the sale of the east half of the north-east quarter of section fifteen in township nineteen north, of range seven east, made by William Sparks, James L. Bell, and Bezaleel Thomas, the present board of commissioners of Madison county, to John H. Davis, be and the same is hereby legalized and made valid to all intents and purposes.

Sec. 2. It shall be lawful for said board of commissioners or their successors in office, by their president, to make, execute, and deliver a good and sufficient deed of conveyance for said tract of land, conveying to said John H. Davis, his heirs and assigns, the fee simple title thereof, which deed when so made and executed and delivered, shall invest in said John H. Davis, his heirs and assigns forever, an absolute and indefeasible estate of inheritance, in fee simple therein.

Sec. 3. This act to take effect and be in force from and after its passage.

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Sec. 2. The time mentioned in the seid not for the completion of

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SEC. 3. This act shall take effect and be in force from and after

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An Act giving further time to the widow of David Browning, deceased, and to the creditors of said decedent to file claims against said estate.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the further time of one year be and it is hereby given and allowed to the widow and creditors of David Browning, deceased, late of Monroe county, to file and maintain their claims against said estate, any thing in the laws now in force to the contrary notwithstanding, and the probate court of said county shall hear and determine said claims according to the laws regulating proceedings and trials in the probate court as in other cases.

Sec. 2. The administrator of said estate shall not be required nor permitted to settle said estate until the expiration of said term of one year.

SEC. 3. That this act shall be in force from and after its pas-

WHEREAS, In the year 1813, on application to the probate court of

Carroll county, Samuel Huiry, administrator of the estate of John Courtney deceased sold and souwyed to Mary Williams,

CHAPTER CCXXII.

An Act amendatory of the charter of the city of Indianapolis.

APPROVED FEBRUARY 16, 1848. 1 Mars And T sareshay

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the charter of the city of Indianapolis, be, and the same is hereby so amended, that hereafter it shall and may be lawful for the council of the said city, at any time, to levy and collect a special tax upon the taxables of said city for the purpose of defraying the necessary expenses of any measure which may be adopted by said council, to prevent the spread of the small pox in said city: And further, that for any other emergency, when expenditures may be required to be made for said city, in the opinion of said council, or on the petition of thirty voters of said city, the means for which are not within the control of the council, a special vote of the people of the city shall be taken, as to the levy of a special tax for such expenditure, of which voting at least ten days' notice shall be given in two newspapers of the city, and the same shall be held in the several wards, and in every respect conducted as are annual elections of said city; and if, at such voting, a majority of the votes given [are] in favor of such tax, the same shall be so levied, and in case

of any such special levy, the same shall be assessed and collected in the same manner as the general levy, and the same penalties be incurred for non-payment: Provided, however, That the common council of the town of Indianapolis shall not, either directly or indirectly, contract any debts over and above the amount of money in the treasury of said corporation or the taxes levied for the current year.

SEC. 2. This act shall take effect and be in force from and after its passage. In the said broads and all labored to all said known its

ceased, late of Monroe county, to the and maintain their claims

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hear and determine said claims according to the laws regulating

Indiana, That the further since of core year be rad it is hereby gr

proceedings and relate in the problem court as incoloring cores.

nor permitted to seath and relate until the expiration of said term An Act to confirm to Mary Williams the sale of a lot in Pittsburgh.

[APPROVED FEBRUARY 16, 1848.]

WHEREAS, In the year 1843, on application to the probate court of Carroll county, Samuel Hulry, administrator of the estate of John Courtney deceased, sold and conveyed to Mary Williams, under a decree of said court, lot number two hundred and eleven in the town of Pittsburgh in said county of Carroll; And Where-As, The record and proceedings of said sale are somewhat imperfect, and a full price having been paid for said lot; Therefore:

SECTION 1. Be'it enacted by the General Assembly of the State of Indiana, That said sale, so made as aforesaid, be, and the same is fully confirmed, so far as it can be done by legislative action. Sec. 2. This act to be in force from and after its passage.

Judgest, That the charter of the city of Indianapolis, be, and the And further, that for any other emergency, when expenditures may be required to be mode for said city, in the opinion of said conficil. or on the pelition of thirty veters of said city, the means for which are not within the control of the council, a special vote of the people of the city shall be taken, as to the levy of a special tax for such expenditure, of which voling at least ten days' notice shall be given in two newspapers of the city, and the same shall be held in the several wards, and in every respect conducted as are annual elections of said city; and if, at such voting, a majority of the votes given [are] in favor of such tax the same shall be so levied, and in case

CHAPTER CCXXIV.

An Act to authorize certain voters of Daviess county to vote in Washington township in said

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the voters of the several townships adjoining Washington township in Daviess county be, and they are hereby authorized and allowed to vote at each general election, at the precinct in said Washington township.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCXXV.

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An Act to extend the provisions of an act therein named to the county of Wells.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the provisions of an act entitled, "an act to abolish the necessity of special legislation in the counties of Adams and Jay," approved January 6th 1846, be, and the same are hereby extended to the county of Wells.

Sec. 2. All laws and parts of laws coming within the perview

of this act be, and the same are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCXXVI.

An Act to locate a State road in Fountain county.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Jonathan Dove and Robert Hanna of the county of Fountain, be, and they are hereby appointed commissioners to view,

mark, and locate a state road in the said county.

Sec. 2. The said commissioners after being duly sworn, shall proceed on a day to be fixed by them, to view, mark, and locate the said road, beginning at the town of Attica, at the foot of main street of said town, thence on the east bank of the Wabash river to a point opposite the town of Williamsport in Warren county, Indiana, thence by the most eligible route to the bridge over the canal near the Shawnee aqueduct, thence to cross the Shawnee creek at some point to be selected by them, between the aqueduct and the feeder dam, and thence by the nearest and most eligible route to the town of Portland in the said county of Fountain.

Sec. 3. The said commissioners shall within thirty days after the said road shall have been viewed and located, report the same to the board of county commissioners of Fountain county, who shall

record and establish the same as a public highway.

Sec. 4. The said road when so located and established, shall not be taken or understood as altering, changing, or vacating any other state road leading from Attica in any other direction to the town of Covington in said county of Fountain.

SEC. 5. The said commissioners shall each be entitled to the sum of one dollar and fifty cents for each day of their employment as aforesaid, to be paid by the county board of Fountain county.

Sec. 6. This act to be in force from and after its passage.

CHAPTER CCXXVII.

An Act to incorporate the grand lodge of the Oriental Evanic Order of Brothers.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Daniel A. Rewland, J. Crosby, J. C. Craig, and J. L. Owensly, and their associates, members of the grand lodge of the

Oriental Evanic Order of Brethren, of the State of Indiana, and their regular successors be, and they are hereby created a body corporate and politic, for the term of ninety-nine years in succession, by the name and style of the "Grand Lodge of the Oriental Evanic Order of Brethren of the State of Indiana," for the purpose of more effectually aiding, protecting, and assisting the members and their families, affected with sickness and disease, and who may be in distressed circumstances; and by that name shall be competent to contract and be contracted with, to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and places, and in all matters whatever, with full power and lawful authority to acquire, hold, use, and enjoy by purchase, gift, grant, or devise, and the same to sell, convey, or improve, rent, or lease, all estate that said grand lodge may become in possession of as above provided, in the State of Indiana, not exceeding seventy-five thousand dollars, and to make, and have to use, a common seal, and the same to alter, break, and renew at pleasure. And to appoint such officers as [they] may deem necessary, to prescribe their general duties, and to require such security of them as they may deem proper to secure the faithful performance of their duties, and may remove them at pleasure; to make, ordain, and put in execution, such by-laws, rules, and regulations as shall be necessary for the good government of said society, and the prudent and efficient management of its concerns, not repugnant to the constitution and laws of the state : Provided, That in no case shall one member be allowed more than one vote on any question that may arise; Provided also, That said society shall not in anywise engage in banking and insuring of property, or do any thing not expressly granted by the provisions of this charter; Provided, That upon a repeal of the charter or the dissolution of the corporation, the property held by said corporation at the time of its repeal, may be disposed of sold, and conveyed in such manner as a majority of said corporation shall direct.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXXVIII.

An Act for the relief of Lucian Barbour, John Elder, and Edwin J. Peck, commissioners appointed by a joint resolution of the General Assembly, authorizing the making of estimates for the completion of the new state prison and other buildings, approved January 21, 1847.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Lucian Barbour be allowed the sum of twenty-four dollars, John Elder the sum of forty-two dollars, and Edwin J. Peck the sum of twenty-four dollars, for their services as commissioners, appointed by a joint resolution of the General Assembly to authorize the making of estimates for the completion of the new state prison and other buildings, approved January 21st, 1847; and that said Lucian Barbour be allowed the further sum of five dollars for writing the contract between the state and the lessee to complete the prison buildings. Each of the sums aforesaid to be paid by the state treasurer out of any moneys in the state treasury not otherwise appropriated.

SEC. 2. This act to be in force from and after its passage.

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CHAPTER CCXXIX.

An Act to authorize the commissioners of Vigo county to procure a seal for the probate court.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be lawful for the commissioners of Vigo county to procure a seal for the probate court of said county, and to pay for the same out of any money in the treasury of said county.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCXXX.

An Act to repeal a part of the 90th section, 3d article of the 16th chapter of the Revised Statutes of 1843, so far as the same relates to Shelby county.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That so much of section ninety, article three, of chapter sixteen, of the Revised Statutes of 1843, as requires at least two days' work to be done on highways, previous to the first day of July in each year, be and the same is hereby repealed as to Shelby county.

Sec. 3. Each supervisor of Shelby county shall cause all the hands in his district, to work at least two days on the highways in his district previous to the tenth day of August in each year.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCXXXI.

An Act to amend an act granting the citizens of Lawrenceburgh a city charter, and for revising and repealing all laws and parts of laws heretofore enacted on that subject, approved January 20, 1846.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the city of Lawrenceburgh shall have power to open, widen, or extend any street, lane, alley, market space, public landing, or common, wherever they may be of opinion that the public good or the convenience of the citizens may require it, either by petition-or without petition; Provided, however, That it shall be the duty of the council of said city, on the petition of twenty-four citizens residing immediately in said neighborhood where said improvement is required to be made, to mark and lay out said street, lane, alley, marketspace, public landing, or common, and cause the same to be opened as hereinafter provided, by paying the person or persons whose property shall be thus appropriated (if demanded) the full amount of the real injury sustained thereby, and for the purpose of enabling such person to make demand for the damages sustained, it shall be the duty of the common council to give six weeks' notice by advertisement in some public newspaper printed in said city, of their intention to make out and establish, or widen said street, lane, alley, or public landing; and any person feeling aggrieved thereby,

may at any time within said six weeks, apply to said common council for redress, by remonstrance in writing left with the city clerk; whereupon the said city council shall appoint two disinterested free-holders of said city; such applicant for damages shall select two others, and these four choose a fifth to be the appraisers of the damages such party may sustain, who, or a majority of the same, under oath, shall proceed to view, and on actual view to assess the injury sustained at its true value, and make true return to the city council; and the value so assessed shall be paid out of the city treasury, before such street, lane, alley, or public landing shall be established and opened, if the appraisers first above named cannot agree to the choice of a fifth, it shall then be lawful for the city council to make the selection.

Sec. 2. All laws and parts of laws heretofore enacted, conflicting with the provisions of this amendment, so far as the city Lawrence-burgh is concerned, and within the jurisdiction of the corporation herein and hereby created, be and the same are hereby repealed.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCXXXII

An Act authorizing the treasurer of state to pay to Justus C. Alvord, Homer King, and Archibald T. Frink certain moneys.

[APPROVED FEBRUARY 12, 1848.]

Section 1. Be itenacted by the General Assembly of the State of Indiana, That the treasurer of state be and he is hereby authorized to pay Justus C. Alvord and Homer King one thousand four hundred and eighty-two dollars and twenty-two cents out of any moneys in the treasury not otherwise appropriated, for materials furnished and work and labor done on the North Port feeder dam in Noble county, under and by virtue of an act of the General Assembly of the state, approved January 19, 1846, and a contract made and entered into on the 4th day of April, A. D. 1847, between Stearnes Fisher, Esq., of the one part, and the said Alvord and King of the other part. Also pay to Archibald T. Frink, Esq., the sum of one hundred and fifty-one dollars and fifty-five cents for services as engineer at and upon said feeder dam.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXXXIII.

An Act to locate a state road in Clay and Parke counties.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Wesley Davis and Henry R. Griffis, of the county of Clay, and Solomon B. Garrigus, of the county of Parke, be, and they are hereby, appointed commissioners to view, mark, and locate a state road, commencing at Croy's creek bridge, ten rods in section twenty-six, in township thirteen north, of range six west, in Clay county, thence running west of north to Denson A. Franklin's, in section fifteen, thence west about half a mile, thence north to Elizabeth Stallcup's, thence westwardly to Elias J. Stallcup's, thence north, crossing the county line in section four at the half mile stake, thence north to where the Harmony and Steel's mills road comes on the line between sections sixteen and twenty-one, in Jackson township, Parke county, thence intersecting the Greencastle and Rockville state road at the north-west corner of section sixteen, Jackson township.

SEC. 2. The said commissioners shall meet at John Pell's, in Clay county, on or before the first day of June next, and after having taken an oath faithfully and impartially to discharge their duties, shall proceed to view and locate said road agreeably to the points and courses designated in the first section of this act.

SEC. 3. The said commissioners shall within thirty days after they shall have located said road as aforesaid, report to the county auditors of the said counties of Clay and Parke so much of said road as may be located in the respective counties of said auditors, which report the said auditors shall lay before their respective county boards at their next session thereafter; and said county boards shall severally cause the said report, when so made, to be recorded, and order said road to be opened, and said boards of county commissioners in the said counties shall make such allowances to said viewers as shall be reasonable, each county its proportion, according to distance.

SEC. 4. This act to take effect and be in force from and after its

passage.

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CHAPTER CCXXXIV.

An Act to change a part of a state road in Delaware county.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That so much of the Hagerstown and Muncie state road as lies between the points hereinafter designated be vacated, and the same is hereby directed to be changed and located as follows: Beginning at the point where said road crosses the west line of the east half of the south-east quarter of section thirty-six (36,) in township twenty (20,) range ten (10) east, in Delaware county, and running north with said line on the west side until it intersects the Winchester and Logansport state road; and the last named road is hereby directed to be changed north with, and running on the west side of, said line until it again intersects said last named road as at present located. And George Norris is hereby appointed to review, mark, and locate said road, in accordance with the law in regard to highways.

SEC. 2. This act to take effect and be in force from and after its

points and courses designated in the first socilion of this act.

passage.

CHAPTER CCXXXV.

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they shall bear located and tond be storeful report to the country

An Act to authorize the building a levee in Vigo county.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Robert Hoggatt, Guy R. Benight, and Ebenezer Paddock, of Vigo county, Indiana, are hereby appointed a board of trustees to superintend the construction and repairing, enlarging and strengthening of a levee, from a point at or near Greenfield Hill, in said county, to such point near the south line of Lewis Paddock's land as they shall judge necessary, to secure the land liable to injury or damage by the inundations of the Wabash river in the townships of Honey Creek and Prairie Creek, or either of them, in said county of Vigo.

SEC. 2. Said board of trustees shall have power and authority to assess, levy, and collect from the persons that will be benefitted by the construction or repair of said levee such sums of money as shall be necessary for the construction of said levee, or for the re-

pair thereof, so as effectually to secure the said land now overflowed by the high waters of said river; said assessment to be made upon the several tracts or parts of tracts of land that will be benefitted by the construction of said levee, according to the amount of benefit that the work will be to each tract or part of tract of land.

Sec. 3. Said trustees shall decide what sum in their judgment will be necessary to accomplish the work contemplated by this act, and shall decide what amount each tract of land will be benefitted by said levee, and shall make out a list of the several tracts of land, and the amount assessed against each tract, with the name of the owner, if known; and shall give the owner of each tract of land notice of the amount assessed against his land, and shall file in the office of the auditor of the county a copy of said assessments, duly certified under their hards; *Provided*, That if the owner of said land shall not reside in said county, the filing of said assessment shall be deemed a sufficient notice.

SEC. 4. If the owner of any of said tracts of land shall not pay the amount assessed against his lands within sixty days after notice of such assessment, it shall be lawful for said trustees to make a copy of such assessment, and certify the same under their hands to any constable of either of the aforesaid townships for collection, and such constable shall have the same power to collect the same that the county treasurer has to collect state and county revenue; and it shall be his duty to collect and pay the same to said trustees within sixty days from the time the said list is delivered to him.

Sec. 5. Said board of trustees shall have full power to apply the money raised as aforesaid to the construction and repair of said levee; and if the first assessment shall not be sufficient to complete said work, they shall have power to make an additional or second assessment, and to collect the same as aforesaid.

SEC. 6. If any person upon whose land an assessment shall be made shall feel himself aggrieved by such assessment, he shall have a right to appeal to the county auditor at any time within ten days after notice thereof, and the said auditor shall examine and decide the controversy within ten days after notice of such appeal, and his decision shall be final.

Sec. 7. Any two of said trustees shall be competent to discharge the duties required by this act; and in case of vacancy in the office of any of said trustees occasioned by refusal to act, resignation, removal, or death, the county auditor of said county is hereby authorized to appoint others to fill such vacany or vacancies, who shall have all the powers hereby conferred upon the trustees named above.

SEC. 8. Said trustees shall be entitled to receive for all time necessarily employed in the execution of said trust one dollar and fifty cents a day, to be paid out of the funds hereby authorized to be raised.

Sec. 9. This act to be in force from and after its passage.

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CHAPTER CCXXXVI.

An Act to change the location of a state road therein named.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the location of the state road leading from Scott's ferry, on White river, via Belleville to Danville, in Hendricks county, be changed and located as follows: beginning at the north end of the lane dividing the farms of Jesse Cook and Thomas Hussey, and running thence due north until it intersects the road leading from Mooresville to Belleville.

Sec. 2. That so much of said state road heretofore located as lies between the aforesaid lane and the said town of Belleville be, and the same is hereby, vacated.

SEC. 2. This act to take effect and be in force from and after its passage.

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CHAPTER CCXXXVII.

An Act to revive an act entitled "An Act to incorporate the town of Belleville, Hendricks county," approved February 8, 1836, and to amend the same.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That an act entitled "An act to incorporate the town of Belleville, Hendricks county," approved February 8, 1836, be, and the same is hereby revived and declared to be in full force and effect, except so far as the same shall be hereinafter amended.

SEC. 2. That the first section of the act hereby revived be so amended that Jonathan Cope, Anthony W. Shively, Lawrence A. Johnson, John E. Johnson, and David E. Carter be, and they are hereby, appointed trustees of the corporation of said town of Belleville, to serve as such until the first Monday in April, 1848, and until their successors are elected and qualified, as provided in said act hereby revived,

SEC. 2. This act to take effect and be in force from and after its passsage.

Sec. 9. This not to be in force flow and what the passage

CHAPTER CCXXXVIII.

An Act to locate and re-locate certain state roads in the county of Miami.

(APPROVED FEBRUARY 16, 1848.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That John R. Wright, of the county of Miami, be, and he is hereby, appointed a commissioner to relocate that part of the Logansport and Laketon state road which lies between the 20 mile tree (from Logansport) and the town of Gillead, in said county, as near as practicable on the original survey, so as to embrace all the labor done on said road.

SEC. 2. Be it further enacted, That Jacob Q. Elliott be, and he is hereby, appointed a commissioner to view, mark, and locate a state road, commencing at the county line between the counties of Wabash and Miami, at or near the Cold Spring, near the residence of said Elliott, thence along the south side of the prairie under the hill on or near the south line of the land belonging to Ephraim Jellison, and to continue down the prairie on the nearest and best ground near the foot of the bluff to a branch near Wild Cat's residence, thence on the nearest and best ground to intersect a county road at or near the residence of the widow Godfrey, in said county of Miami.

Sec. 3. Be it further enacted, That James T. Miller be, and he is hereby, appointed a commissioner to re-survey and re-locate the state road now leading from Peru, in Miami county, to Marion, in Grant county, so far as the same runs in the said county of Miami, commencing at the bridge across the Wabash at Peru, and to survey and re-locate the same upon the present usually traveled route, as near as the same is suitable and practicable, to the county line of Wabash county.

SEC. 4. Be it further enacted, That the county road leading from the bridge across the Wabash at Peru, passing near the residence of Isaac Deteer, to the Wabash county line, be, and the same is hereby, declared to be a state road.

Sec. 5. Be it further enacted, That Ira Mendenhall be, and he is hereby, appointed a commissioner to view, mark, and locate a state road, commencing at a point on the Peru and Rochester state road, in Miami county, on the hill north of Peru, at or near the north line of Asa Johnson's land, thence along the north side of the barn of the said Johnson, thence to pass along the south side of the Mount Hope Cemetery, thence in the same direction through the lands of Richard L. Britton, and to continue until it intersects the state road from Peru to Daniels's Mill, in said county, said road to be established two rods wide.

SEC. 6. The several commissioners, and each of them named in the foregoing sections of this act, shall discharge the several duties imposed upon them by this act on or before the first day of July next; and before entering upon the discharge of their duties shall take an oath or affirmation faithfully to discharge their several duties, and in discharging such duties shall be governed in all things pertaining thereto by the laws now in force relative to laying out roads and highways.

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Sec. 7. This act to be in force from and after its passage.

CHAPTER CCXXXIX.

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An Act to amend an act, entitled "An act authorizing a company to construct a turnpike road from Cambridge City to Muncietown.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the act entitled "An act authorizing a company to construct a turnpike road from Cambridge city to Muncietown," be, and the same is hereby, amended as follows, to-wit: 1st. Strike out the words "not exceeding double that amount," in the 2d section of said act. Also, strike out of the 10th section of said act the word "proviso," and all after said word to the end of said section.

Sec. 2. That section 16 of said act be, and the same is hereby, amended so as to read, after the word "charter," in the second line of said section as follows: "begin the construction of said road within three years from the first day of March next, (1848,) and finish the same within twenty years thereafter."

Sec. 3. That the 17th section of said act be, and the same is hereby, repealed, and the following sections adopted and made a

part of said act, to-wit:

Sec. 17. That part of said turnpike road lying and running from Cambridge city to New Castle, shall be called the southern division of said turnpike road; and the corporation shall have power to examine, mark, and locate the southern division of said road from Cambridge city to New Castle, or any part of the same, with power to lay it on the present traveled road from one point to the other, or diverging from a direct line, for the interest of the company and public convenience; and said corporation shall also have power to apply the whole amount of the stock of said company first subscribed, either of labor, materials, land, or money, to the construction and completion of the said southern division of said road, or any part thereof; and whenever five continuous miles of said road shall be completed agreeably to the provisions of this act, and the act to which this is amendatory, the county commissioners of the county

where such part is constructed shall appoint an agent to examine the same and report his opinion in writing to the corporation; and if said report shall state the road or any continuous five miles of the same to be completed agreeably to the provisions of this act, and the act to which this is amendatory, the corporation may then erect a gate or gates at suitable distances, not less than five miles, and demand and receive tolls agreeably to the provisions of the acts aforesaid.

Sec. 18. After the completion of the said southern division of said road, the corporation shall have power in like manner to begin and finish the construction of the northern division of said road from New Castle to Muncie, or any part thereof, and a failure by said corporation to complete the northern division of said turnpike road within the time limited by this act, shall not be construed to operate a forfeiture of this charter so far as the same may be applicable to the northern division thereof: *Provided*, That the same be completed and kept in good order and repair by said corporation.

Sec. 19. It shall be lawful for the corporation, either before or after the location of any section of said road, to obtain from the person or persons through whose lands the said road may pass a relinquishment of so much of said land as may be necessary for the construction of said road or location thereof, as also the stone, gravel, wood, or other materials that may be obtained on said route, or near thereto, for the benefit of said corporation, and all such contracts, relinquishments, donations, gifts, grants, and bequests, made and entered into in writing by any person or persons capable in law to contract, made in consideration of such location or otherwise, and for the benefit of the corporation, shall be binding and obligatory, and the corporation may have their action at law in any court of competent jurisdiction to compel the observance of the same.

Sec. 20. The corporation shall cause said road to be opened not exceeding one hundred feet wide, and at least twenty feet shall be made an artificial road; and if after its completion, or any section thereof, the same shall be suffered to go to decay, or be impassable for one year, unless the same is repairing, the charter shall be con-

sidered as forfeited.

Sec. 21. It shall be the duty of the persons named in the first section of the act to which this act is amendatory, or any five of them, to cause books to be opened for subscriptions to the capital stock at such time and at such places as they may choose, in each of which books the following entry shall be made: "We, the undersigned, promise to pay the sum of twenty-five dollars for each share of stock set opposite our names, in labor, materials, land or money, (the value to be settled by the board of directors,) in such manner, and at such times and proportions as the president and directors of the Cambridge city and Muncietown Turnpike Company may direct. Witness our hands this day of A. D., 18."

Sec. 4. This act to be in force from and after its passage, and all laws and parts of laws coming within the purview of this act are

hereby repealed.

CHAPTER CCXL.

An Act to authorize the County Commissioners of the several counties in the 12th jucidicial circuit, to make an allowance to Prosecuting Attorneys.

[APPROVED FEBRUARY, 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the board of county commissioners of the several counties in the 12th judicial circuit, are hereby authorized to make such allowance to the prosecuting attorneys of their respective counties, for their services as they shall deem right and just, not exceeding one hundred dollars in any one year.

Sec. 2. This act to take effect and be in force from and after its passage. at your sport off sa hel-to variationally to entitle of scale

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CHAPTER CCXLI.

An Act to authorize the construction of lines of Morse's Electro-Magnetic Telegraph in the State of Indiana, and for other purposes.

[APPROVED FEBRUARY 12, 1848.]

Section 1. Be it enacted by the General Asssembly of the State of Indiana, That S. F. B. Morse, the inventor of the electro-magnetic instrument, used on all lines of magnetic telegraph in the United States, Amos Kendall, Francis O. J. Smith, and their associates and assigns, are hereby made and created body politic and corporate, by the name of the Indiana Magnetic Telegraph Company.

Sec. 2. Said corporation shall be subject to all the liabilities and enjoy all the rights of the provisions of chapter thirty-two, article two, section fourteen to twenty-three, inclusive, of the Revised

Statutes of 1843.

Sec. 3. Said corporation may hold real and personal property other than their lines of telegraph, in a sum not exceeding twenty thousand dollars.

Sec. 4. The capital stock of the corporation may be, but shall not exceed the sum of three hundred dollars per mile for one wire, and forty dollars per mile for each additional wire for any line or lines of telegraph constructed by them.

Sec. 5. The corporation created by this act are authorized to construct lines of Morse's electro-magnetic telegraph from city to city, town to town, and from point to point, along and upon the public roads

and highways, and over and across the lands, public or private, and over the waters within this state, by the erection of the necessary fixtures, and the stretching of the iron cords or wires, provided they do not obstruct the public use of said roads and highways and waters.

Sec. 6. Any person who shall intentionally injure, molest or destroy any lines of telegraph, or any of the materials used in their construction, or any of the property belonging thereto, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or imprisoned in the county jail for any term not exceeding six months or both, at the discretion of the court, upon indictment and conviction thereof, before any court of competent jurisdiction.

Sec. 7. Any person over whose lands any line of telegraph may be constructed shall have the same remedy as provided for in the

construction of turnpikes and railroads

Sec. 8. Any number of persons, not less than five, may associate for the purpose of using Morse's electro-magnetic telegraph, and for constructing lines of the same in any part of the state; and avail themselves of all the powers, privileges and advantages, granted in this act to the Indiana Magnetic Telegraph Company: Provided, such persons, within thirty days after their organization, shall deposite in the office of the secretary of state, a deed or other conconveyance of the right to use Morse's electro-magnetic telegraph, or a certified copy of such deed or other conveyance, to be filed by said secretary of state, in his office at Indianapolis, together with the proceedings of their organization as a corporation and body politic, setting forth the name they have assumed; and the places they propose to connect, and any other associations that have already constructed, or that may now be constructing lines of Morse's magnetic telegraph, by depositing as aforesaid the evidence of their right to do so in the office of the secretary of state, within sixty days from the passage of this act, may organize under its provisions and become a body corporate and politic, in the manner and form above provided for.

Sec. 9. If any corporation that may organize under the provisions of this act, shall refuse or neglect to comply with its provi-

sions, such corporation shall at once be dissolved.

Sec. 10. The corporation created by this act, and all other telegraph associations acting under charters authorized by this state, or by authority of the laws thereof, shall give preference to the communications of the civil and millitary authorities of the state and other states of the Union, and of the United States, and the territories thereof, the object of which shall be to detect the violators of the laws, to punish treason and suppress mobs, and repel foreign invasion, and promote the safety and common welfare of the peo-

SEC. 11. If any operator or other person connected with any telegraph corporation, or using its machinery for the purpose of communicating information from one place to another shall violate the provisions of this act, regulating the transmission of information, or shall give any preference to any speculator or other person, so that such person or speculator shall become possessed of the prices of stock—the condition of the money markets—the prices of breadstuffs and provisions and merchandise, generally in the United States and the British Dominions adjacent, in advance of the public generally, he shall be fined in a sum not exceeding five thousand dollars, and imprisoned in the penitentiary for a term not exceeding ten years, on indictment and conviction before any court having competent jurisdiction; and all operators employed in any telegraph office in this state, shall be sworn faithfully and impartially to perform the duties of their office.

SEC. 12. The corporation chartered by this act, and all others that may be organized under its provisions, shall not be obliged to connect with any other corporation not having a lawful right to

use Morse's electro-magnetic telegraph.

SEC. 13. The stockholders of said company shall be liable in their individual capacity for any and all debts over and above the amount of good and solvent stock subscribed; and the legislature reserves the right to alter or amend this charter at any time, and to repeal the same whenever its provisions shall have been violated by

Sec. 14. This act shall be taken to be a public act, and as such shall be liberally construed in all courts of law and equity in this

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CHAPTER CCXLII.

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An Act to incorporate the Peru and Wabash Free Bridge Company.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That all persons who may become subscribers pursuant to this act, shall be and they are hereby constituted a body corporate and politic, by the name and style of "The Peru and Wabash Free Bridge Company," with perpetual succession and with full power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, in law and equity, in any of the courts in this state; to make, use, and have a common seal, and the same to alter or renew at pleasure.

SEC. 2. Benjamin Henton, William Smith, (of Peru,) Henry Zern, Daniel Taggart, John Higgins, and Stephen Steenberger are hereby appointed commissioners to open books for subscriptions to said bridge company, and to receive donations of money to aid in the construction or purchase of a bridge as hereinafter provided.

Sec. 3. So soon as the sum of one thousand dollars is subscribed in money, the said commissioners shall give ten days' notice by publication in some newspaper printed in Peru, Miami county, Indiana, of the time and place of the meeting of the subscribers to said bridge, who shall from among such subscribers choose five directors of said corporation, who shall hold their offices for one year

and until their successors are elected and qualified.

Sec. 4. Said directors shall choose from their own number a president; and from among the subscribers to said bridge, a secretary and treasurer, who shall respectively hold their offices for one year and until their successors are elected and qualified. The said treasurer shall give bond to the said corporation in such sum and with such security as the board of directors may require, conditioned for the faithful and honest discharge of his duties as such officer, and the faithfully paying over and accounting for all moneys that may come into his hands by virtue of his office.

Sec. 5. Any number not less than twenty, of such subscribers, who shall represent one-half of the amount subscribed to said bridge, shall form a quorum for the election of directors, and a majority of the directors shall form a quorum for the transaction of business and the adoption of by-laws, rules and regulations. All elections to be by ballot, and each subscriber to the amount of five dollars shall be entitled to one vote, and one additional vote for every ten dollars such subscriber may have subscribed above five dollars.

Sec. 6. Said directors after their election shall at any time after their election have power to receive subscriptions and donations in money for the construction or purchase of a bridge as aforesaid.

Sec. 7. Said corporation shall have authority to purchase the bridge of the "Peru Bridge Company" which is now erected at the Southern termination of Broadway street in the town of Peru, on such terms as may be agreed upon between the parties, or may erect a free bridge across the Wabash river at or opposite the Southern termination of any other street in the said town of Peru, or the Godfroy addition thereto, at the election of the subscribers, which shall be determined in the same manner as provided for the election of directors; and in case the said corporation decide to erect a bridge, they shall be entitled to the writ of ad quod damnum to obtain the requisite quantity of ground for the erection of said bridge, embankments, abutments, and causeways, upon application to the Miami circuit court.

Sec. 8. Said directors may demand from the subscribers to said bridge any and all sums of money, by them respectively subscribed. at such time and in such proportions, not exceeding twenty-five per centum every three months, as they may think proper; and in case of failure, refusal, or neglect to comply with such demand

within sixty days, the said directors shall be authorized to enforce the same by legal proceedings, and it shall be collected without any relief from valuation or appraisement laws.

SEC. 9. The said corporation shall have power to hold real estate for the purposes aforesaid, and to sell and convey the same.

SEC. 10. Whenever a bridge shall be established, either by purchasing or building, the same shall be free and open for passage to all persons whomsoever, with their horses, teams and cattle, and

for all purposes whatsoever.

SEC. 11. Any person who shall wilfully injure said bridge, shall be liable to suit by said corporation before a justice of the peace or other court having competent jurisdiction; and the measure of damages in such suit shall not be less than three times the cost of repairing such damage, and the costs of suit.

Sec. 12. The said corporation, if they elect to construct a bridge, may commence the construction of the same within five years, and shall complete the same within ten years from the passage of this

act.

SEC. 13. The county of Miami, or any other county in this state, by their board of commissioners, [may] become subscribers to said bridge for such sum as the said board of commissioners may think proper.

SEC. 14. This act to take effect and be in force from and after

its passage.

CHAPTER CCXLIII.

An Act to incorporate the Attica Hydrant Company.

(APPROVED FEBRUARY 16, 1848.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be lawful for the citizens of Attica, Fountain county, Indiana, or any other person or persons, to form a company for the purpose of furnishing said town with hydrant water, to be called and known by the name of "The Attica Hydrant Company."

SEC. 2. Said company to be formed by the taking and subscribing of stock by any person or persons, in shares—each share to be twenty-five dollars, to be paid in, as the president and directors of said company may order or direct. And for the purpose of obtaining said stock, William Zeigler, William Crumpton, and Norman S. Brown are hereby appointed commissioners to open books to obtain subscriptions for the same. But if either or any of the persons so named as commissioners should refuse or neglect to serve,

the other or others shall hereby be authorized and empowered to select and appoint some suitable person or persons to fill such vacancy or vacancies as may occur.

SEC. 3. Said company to consist of a president, clerk, treasurer, superintendent, and five directors, to be chosen or elected by the stockholders of said company, as soon as five hundred dollars worth of said stock shall be taken and subscribed—notice of said amount of stock having been taken and subscribed to be given by the commissioners named aforesaid, by five written notices, stuck up in as many public places in said town, (or two publications in the newspaper of said town,) naming the time and place for said stockholders to meet, and that they will then and there proceed to elect one president, one clerk, one treasurer, five directors, and one superintendent, to serve for two years from and after the day of said election, or until their successors are elected and qualified into office.

Sec. 4. And for the purpose of conducting said election, the said commissioners are hereby authorized and required to serve-one as judge, one as inspector, and the other as clerk of said election, they (the said commissioners) giving notice by proclaiming that they are now ready to receive votes; when the stockholders present—it being the time then named in the notice given of said election—shall vote by ballot, naming on their tickets the person or persons voted for to fill each office of director, president, clerk, treasurer, and superintendent, and the person or persons having received the largest number of votes for any office, shall be declared duly elected, and a certificate of election shall be made out by the clerk and signed by the judge, inspector, and clerk of said election, and given to the person or persons being so elected; which shall be sufficient authority for said person or persons to enter upon the duties of their respective offices: Provided, That the board of directors, in their discretion, may compel the treasurer and superintendent, before entering upon said duties of office, to take an oath to honestly, faithfully, and impartially fulfil and discharge the duties of their respective offices to the best of their knowledge and ability; which oath may be administered by the president of said company, or any other person authorized to administer oaths by law. The board of directors and president may, also, in their discretion, compel, at any time, the superintendent and treasurer to give and enter into bond, with sufficient security, for the safe keeping of all property, money, &c. which may, from time to time, by virtue of their respective offices, come into their hands, and for the disbursing and paying out all moneys according to the direction of said company; which said bond shall be made payable to the State of Indiana, and shall be filed with and recorded by the clerk of said company, and shall have all the binding force and virtue in law of any official bond, given by any officer of this state, and shall have all the remedies of the statutes of Indiana, made and provided for a violation or neglect of the same.

Sec. 5. Said board, when so elected, shall meet within five days after their election (and every three months thereafter, or in their discretion, as they may adjourn from time to time) and proceed to prosecute the duties of their respective offices, and shall have full power and authority to enforce the payment of all stock taken and subscribed, or which may be subscribed or taken thereafter, by each individual, individuals, or companies. Any suits or actions brought by said company, or prosecutions commenced, to be governed by the laws of said state, as made and provided for the collection of debts, or other violations of a similar nature. And said company, when so formed, shall be considered a body corporate, and shall have full power and authority to sue and be sued, plead and be impleaded, and to have all the benefits, and be subject to all the liabilities of any individual, by the laws and rules of said state, governing such cases between private citizens: Provided, That all suits shall be commenced in the name of "The Hydrant Company of Attica;" and all actions commenced by the company shall be signed by the president and clerk of said company and a majority of the directors.

Sec. 6. For the purpose of furnishing and obtaining water for the purposes aforesaid, the said company shall have power, and is hereby invested with full authority, to take, use, and convert to the uses aforesaid, any or all (if necessary) the springs or water along or in the branch now passing and running through the north part of said town of Attica, and known as "Brady's branch and springs:" Provided, That said company shall first use all the water that the springs will furnish or supply, now used for said purpose, and known as "Brady's spring or springs," before using any other water in or of said branch; and that, after using all the water said springs will supply, as aforesaid, and it shall yet be necessary and require more water to furnish and supply said town as aforesaid, said company shall have full power and authority, as aforesaid, to take, use, and convert to the use aforesaid, any larger quantity or all (if necessasary) of the water or springs along, in, or passing through said branch.

Sec. 7. But, before using or taking any of the water or springs aforesaid, it shall be necessary and the duty of said board, or the president thereof, to make and enter into contract or contracts with the owner or owners of the said Brady's spring or springs, for the use of the water from said springs, for a term of years, or for all time to come (as said president or board may think best,) either by gift, grant, donation, or for a certain price or sum of money, or other consideration specified or agreed upon by said president or company, and the proper person or persons to contract, sell, give, donate, or convey a good and indefeasiable right to said water; and if said Brady's spring or springs, as aforesaid, should not be sufficient [to] and supply the water necessary for the supplying of said town, as aforesaid, the said president or company is hereby empowered and authorized to stipulate, contract, and agree with

any and all other person or persons, company or companies, who may be in any way interested in the use, or partial or entire control of any or all other water or springs along or in said branch, and shall, after and according to said contracts, donations, or gifts, have entire use and benefit of all of said water forever thereafter.

Sec. 8. Should said president or company and the person or persons, owner or owners, or others having a real interest in said water or springs along said branch, not be able to make such agreements or contracts between themselves as to insure the use of the said water to said company, and cannot agree upon the damage to be paid, (if any) for the use of said water as aforesaid, the person or persons who may lawfully and legally be the owner or owners of the water or springs aforesaid, or legally and lawfully interested therein, shall, and is hereby authorized to select one good, judicious freeholder, living at least three miles out of and from said town, and who shall be in no way interested, and who shall not be the owner of any real property in said town of Attica; and as soon as said person or persons shall have made such selection, he, she, or they shall notify the president of said company of that fact, and also the day, hour, and place (said place being within the town of Attica) that said appraisor of damages will appear, (said notice, so given, being at least ten days prior to the time so appointed,) when said president of said company, or a majority of the directors thereof, is hereby authorized and required to appoint and select a like appraisor, to meet the one selected as aforesaid, at the time and place appointed by the person or persons aforesaid, whose duty it shall be, when so met, after first taking an oath before some person authorized by law to administer oaths, to faithfully, honestly, and impartially, to the best of their knowledge and ability, to assess and appraise the damages (if any) which may be sustained by the owner or owners of any property or water privilege so required to be so assessed, to proceed to assess said damage; and if, upon trial, said arbitrators, so appointed, shall not be able to agree upon the amount of damage, they are hereby empowered and authorized to select another person, (being qualified in every respect as they are themselves, for an appraisor,) who, after taking the oath aforesaid, shall proceed, as aforesaid, with the other two appraisors, to assess said damage, and who, (or any two of them,) after agreeing upon the amount so assessed upon any property, shall make out and sign two certificates of their assessment, giving one certificate to the president of said company, and the other to the person or persons owning the property so assessed. Said arbitrators to be paid a reasonable compensation per day for their services while so employed-one-half of said expense to be paid by the company and the other half by the person or persons owning the property so appraised or assessed, if there should be any damage awarded; if not, all expense to be paid by the person or persons requiring said appraisement.

Sec. 9. The said assessment when so made shall not be final and conclusive, but if either of the said parties shall be dissatisfied therewith, it shall be the duty of the party dissenting therefrom to make application to the circuit court of the said county of Fountain, at its term next thereafter, setting forth the particulars of the said controversy, and the objections to the finding of the said appraisers, and the said court shall thereupon order the clerk to issue a writ directed to the sheriff of said county, commanding him to summon and impannel a jury, as is required in the 101 section of article 5 of chap. 48 of the Revised Statutes. The said jury shall, after being impanneled and sworn, shall be charged by the sheriff impartially to assess the damages claimed as aforesaid, and the subsequent proceedings shall be, as far as applicable, regulated by the 102, 111, and 112 sections of the said article 5th of chapter 48.

Sec. 10. Any assessment of damages when made by the appraisers with the concurrence of both parties, or in case of disagreement after the proceedings mentioned in the preceding section shall have been had, and the finding of the said jury shall have been confirmed by the court, when the same shall be fully paid and satisfied shall bar a recovery for any damages or injury sustained previous to or subsequent to such inquest, in any and every action at

aw.

Sec. 11. Said company is also hereby authorized and granted the privilege and right of way to lay their pipes and construct reservoirs in and through any or all, if necessary, of the streets and alleys of the said town of Attica or its additions, and also to construct, set up, and establish hydrants in said streets and alleys aforesaid wherever they may think proper or to the advantage of said town, so as not to obstruct the egress or regress through said streets or alleys, unless when in the act of repairing said pipes or hydrants or putting in and erecting new ones; when said obstructions shall

be removed as speedily as possible.

SEC. 12. For the purpose of keeping up said hydrants, making repairs, establishing other lines of pipes, reservoirs, hydrants, &c., as it becomes necessary, paying the persons in said companies employed, and for other purposes, the inhabitants of said town shall pay for the use and benefit of said water, a certain specified sum or sums of money, to be assessed or prescribed by the county commissioners of the county of Fountain once in every two years; or in case of the incorporation of the town of Attica, to be assessed by the trustees or common council of said town once in two years as aforesaid, according to the distance the said inhabitants individually may live or reside from the nearest hydrant, and the amount of water used by them or their family or persons in their employ. Said amounts so assessed to be payable at the discretion of said company.

Sec. 13. Said company, when legally organized, shall have full power and authority to make such rules, orders, by-laws and regulations as they may think proper for the well management and pro-

per conduct of said company, (not incompatible with this charter or the laws of this state,) which shall be binding and may be enforced against or for all parties concerned; and when said company or its board of directors and president meet at their regular or adjourned meetings, it shall be the duty of the president to act as chairman or speaker, and to keep order and to see there is a proper record of all the proceedings of each and every meeting kept by the clerk of said company, and at the adjournment of each meeting to sign the proceedings of the same, attested by said clerk; which proceedings shall at all times be prima facia evidence of their contents. And it shall be the duty of said president and he is hereby required to see that all orders, by-laws, rules and regulations, and all contracts, agreements, &c., passed or ordered by said company at their meetings, be carried into effect, and he is hereby empowered and authorized to prosecute and enforce the same according to law.

Sec. 14. It shall be the duty of the clerk, and he is hereby required to keep a correct, complete, and full record from time to time of all the proceedings of said board or company, and at the close of each meeting to attest the same, and also, in a separate book to be kept for that purpose, all the proceedings in regard to the assessment of damages, the grants or certificates of the right of way, the certificates for damages assessed, all contracts, stipulations, donations, or agreements in relation to said water, and the prices assessed from time to time for the use and privilege of said water to all persons concerned, and to record all other necessary proceedings or papers which may be ordered to be recorded by said board or the president thereof, and also to be present and act as clerk thereof at all the meetings of said board or company, and it is hereby made lawful and legal, should the stockholders in said company in their judgment think proper to elect him, the said clerk, for him to serve, act, and fill the office of treasurer of said company.

SEC. 15. It shall be the duty of the treasurer to collect all assessments made for the use and privilege of the water aforesaid, and all other demands or debts due said company, if he can without suit -said debts, dues, or demands being legally made out by the clerk and presented to said treasurer for collection. But if upon trial said debts, dues, or demands are refused or neglected to be paid by the proper persons after being requested to pay the same, it shall be the duty of said treasurer to report the same to the president and board of directors at their next meeting after said refusal or neglect to pay as aforesaid, when, if it should be so decided by said board, it shall be the duty of the clerk to make out accounts against all such delinquents refusing or neglecting to pay as aforesaid, which shall be signed by the president and attested by said clerk, when it shall be the duty of said treasurer to sue and collect the same according to law without any benefit whatever from the valuation or appraisement laws of this state; and it shall be the duty of said treasurer to safely keep and account for all moneys or other property of value which may from time to time come into his hands as said treasurer as inspector of the same, or in their absence or ne

treasurer aforesaid, and upon and by the orders and directions of said president and board of directors to disburse and pay over to the superintendent or other person or persons so ordered to be paid, all moneys or other property of value received by him as treasurer aforesaid, retaining the order or orders aforesaid, and taking receipt or receipts for all disbursements so made; and it shall be the duty of said treasurer, at least as often as once in one year, (or whenever the president and board of directors may require it) to make a full report of all moneys or other property of value collected or received by him, and from what source they were collected and received, and for what purpose it was paid out or disbursed, and such other statements as may appear to him necessary and proper for the benefit of said company; when said board shall examine said report and the receipts for the paying out and disbursing the money therein named, and if found correct and in accordance with this charter, shall enter a settlement accordingly with said treasurer up

to that time in the record books of said company.

Sec. 16. It shall be the duty of the superintendent to apply all moneys or other property of value received by him according to this orders and directions of the president and board of directors, and to take receipts therefor—to see that said hydrants and pipes are kept in good repair—to lay or establish from time [to time] new lines of pipes or new hydrants by order of said board, or to purchase materials or hire laborers to do all work necessary and needful about said water works, and all other things for the establishing said water works and carrying out the orders of said company; making in all cases the very best contracts and agreements he can, for the advantage of said company, and to fulfill and carry out all contracts and agreements or stipulations made or authorized by said board, and to keep a book of receipts and expenditures for all moneys received or expended by him by order of said board, and to make a report of the same to the president and board of directors at the expiration of each year at the regular meeting of said board, (or oftener if said board may in their discretion think it advisable to require it) presenting at the same time his vouchers and receipts for all moneys so paid out, and for what purpose said money was expended, with the amount received from the treasurer, which report shall be filed with the clerk and a succinct statement of the same entered in his record book; and if said board, upon inspecting and examining the same, think said report correct, they may order it to stand as a settlement with said superintendent up to that time, or the date thereof.

Sec. 17. Said board of president and directors at any time may, by a vote of two-thirds of the same, for neglect of duty or malfeasance or misfeasance in any office, dismiss or expel said clerk, treasurer, or superintendent from office, and appoint some other suitable person or persons to fill the same until the general election takes place, which shall be once in every two years from the day of the first election herein named; and at said election said president of said company shall act as judge, the said clerk as clerk, and the said treasurer as inspector of the same, or in their absence or ne-

glect to serve as such, or any one of them, said board is authorized to appoint some suitable person or persons as the same, who shall proceed and be governed in all respects as specified and directed in section three in this charter, in relation to the first election.

Sec. 18. The said board of president and directors shall from time to time allow each and all officers or persons in said company's employ, such salary or remuneration for their services as they may deem reasonable, just, and right, which amount so allowed shall be paid out of the treasury under the same rules and regulations as specified for the payment of money for other purposes: also, to declare from time to time such dividends as may arise or accumulate from the income of said water, (not necessary for the farther extension of said water works), by giving written notices in three of the most public places in said town of Attica, at least ten days before said dividend is made—which said dividend shall be paid to the stockholders in proportion to the stock taken by each, under the same rules and regulations as other moneys are paid out of the treasury.

Sec. 19. Said company before taking or having the use of said water as aforesaid, or having the privilege and right to water said town of Attica as aforesaid, shall get, obtain, and receive by mutual agreement by and between the parties concerned a regular bonafide assignment or release from Levi Halovy or his assigns all his or their right to water said town of Attica as passed and granted to the said Levi Hallovy by the State Legislature of Indiana at its session in the years 1841 and 1842; said certificate of assignment or release when so obtained to be filed with the clerk of said company and recorded, which shall be prima fiacia evidence of its con-

tents forever thereafter.

CHAPTER CCXLIV.

An Act to locate a state road in the counties of Fulton, Marshall, Pulaski, and Stark.

[APPROVED FEBRUARY 16, 1848.

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Vincent Brown Lee, of the county of Marshall, William McKelfish, of the county of Fulton, Peter W. Demoss, of the county of Pulaski, and Jacob Bozarth, of the county of Stark, be and they are hereby appointed commissioners to view, mark, and locate a state road as follows, to-wit: commencing on a road leading from Eady's saw mill, in Fulton county, to Barber's and Bliven's mills,

commencing on the north-east corner of section No. five, in township No. 31 north, of range No. two east, on Fulton county line, to run on the county line between Fulton and Marshall, or as near thereto as practicable, thence to continue on the county line, or as near thereto as practicable, between the counties of Pulaski and Stark, as near as practicable to the lake in section No. one, range No. one west, township No. thirty-one, thence north-west corner through the lands of John Gardener, William Parker, and Daniel Roming, to intersect the state road leading from Plymouth to Winnemac near North Bend in Stark county.

Sec. 2. The commissioners shall meet at the house of William McKelfishes in Fulton county, on or before the 4th of July, A. D. 1848, and proceed to locate said road as provided in the first section of this act, a statement of which shall be filed in the office of the auditor of each county aforesaid in which said road shall pass.

Sec. 3. The board doing county business in the counties aforesaid shall make such allowance to said commissioners for their services as may seem just and reasonable.

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CHAPTER CCXLV.

An Act to authorize Avery Allen, of Posey county, to make a deed in a certain case to certain land in said county.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Avery Allen, of Posey county, administrator of the estate of Lee Allen, deceased, be and he is hereby authorized to convey to Alfred B. Nesbit and his heirs, by deed, all the right, title, and interest, which the said Lee Allen, deceased, or his heirs had or may now have, in and to the following described real estate in said county, to-wit: thirty acres of land lying in the south-west corner of the south-west quarter of section eleven, township four south, of range twelve west.

Sec. 2. This act to be in force from and after its passage.

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CHAPTER CCLXVI.

An Act to establish a state road in the county of Hancock, and to vacate that part of the state road from Charlottsville, in Hancock county, to where it intersects the Knighstown and Pendleton road, and also to change the location of that part of the state road leading from Charlottsville to Nashville, viz: so much thereof as from Charlottsville to the mouth of the lane of the farm of James Bartlow, late deceased, so that the same may run from the east end of Charlottsville to the mouth of said lane.

(APPROVED FEBRUARY 16, 1848.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That James P. Foley, Peter Probasco, and Rawley Ramsey, of the county of Hancock, be, and they are hereby appointed commissioners to view, mark, and locate a state road commencing at the east end of Charlottsville, and running to the mouth of the lane of the farm of James Bartlow, late deceased.

Sec. 2. The said commissioners shall meet sometime between the first day of March and the first day of June A. D. 1848, at the said town of Charlotsville, and after taking an oath faithfully to discharge the duties required of them by this act, may employ a surveyor, if, in their opinion, it is necessary to the performance of their duties, and proceed to locate said road; and after having located said road, they shall report the metes and bounds of the same to the board of commissioners of Hancock county.

Sec. 3. It shall be the duty of the commissioners of said county, upon the filing of the report of the commissioners appointed to locate said road, to make an order, and have the same entered upon the record book of said board of commisioners for the opening of said road, not less than forty-five, nor more than sixty feet wide, and the said board shall allow, out of the county treasury a reasonable compensation to said viewers and surveyor.

Sec. 4. That part of the state road from Charlottsville in said county of Hancock, to where it intersects the Knightstown and Pendleton road be, and the same is hereby declared vacated, and also that part of the state road now running from Charlottsville to the mouth of the lane of the farm of James Bartlow, late deceased, when the aforesaid route shall have been established, according to the provisions of this act shall be vacated.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER CCXLVII.

An Act to vacate certain lots, alleys, and streets therein named, in the town of New Lawrenceburgh, in Dearborn county.

[APPROVED FEBRUARY 16, 1848.]

Whereas, It has been represented to the General Assembly of the State of Indiana, that the commissioners of Dearborn county, in due form of law, more than twenty years ago, vacated certain lots, alleys, and streets in the town of Edinburg, now commonly called Newtown, or New Lawrenceburgh, in the county of Dearborn;

And Whereas, It has been further represented that the record of said vacation was consumed by fire in the burning of the records of Dearborn county in March, 1826;

And Whereas, It has been further represented that said ground, so vacated, has, for more than twenty years, been enclosed and cultivated as farming land, and never been added to the corporate limits of said town by consent of the owners thereof, but is now taxed as lots for corporation purposes; Therefore,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That lots numbered on the plan of said town of New Lawrenceburgh, from No. 105 to No. 128, both inclusive, and lots numbered from No. 1 to No. 4, both inclusive, together with that part of Water street north of Third street; also the alley between lots numbered 1, 2, 3, and 4, and lots numbered 29, 30, 31, and 32; also all of Fourth street east of Front street; also all of Front street, Main street, and shipping street northward of Fourth street; also all the alleys northward of Fourth street, except the alley adjoining the grave yard, be, and the same are hereby vacated.

Sec. 2. That hereafter it shall not be lawful for the corporation of said town to levy and collect taxes upon said vacated ground, for corporation purpose, except for the improvement of the streets in front of said ground; and said corporation shall have the right to assess and tax the buildings on said premises.

Sec. 3. This act to be in force from and after its passage.

CHAPTER CCXLVIII.

An Act to change a certain state road therein named.

(APPROVED FEBRUARY 16, 1848.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Daniel Wood and Ezra Olds, of the county of Clay, be appointed, and they are hereby constituted commissioners to relocate and change a portion of the state [road] leading from Bowling Green in Clay county to Rockville in Parke, so as to make said road run as follows, to-wit: turn it so as it will run on the county road running north with the said county road one-half a mile to a section line, thence west with the section line one-quarter of a mile.

Sec. 2. Said commissioners shall meet at any place which they may designate on the first day of May, 1848, and proceed to the discharge of their duty, but before they proceed to business, they shall take an oath to discharge their duty faithfully, before some person authorized to administer oaths.

SEC. 3. It is hereby made the duty of the secretary of state to forward a copy of this act to the clerk of the Clay circuit court to be filed in his office.

Sec. 4. This act to be in force from and after its passage.

CHAPTER CCXLIX.

An Act to incorporate the Mechanic's and Working Men's Institute of Mount Vernon, Posey county.

(APPROVED FEBRUARY 16, 1848.)

Section. 1. Be it enacted by the General Assembly of the State of Indiana, That William Nightwine, Walter F. Larkin, George Hall, James Davis, John Hancock, Henry Pratton, Henry C. Chase, and their associates and successors, be, and they are hereby constituted a body corporate and politic, with perpetual succession, by the name of the Mechanic's and Working Men's institute of Mount Vernon, and by that name may sue and be sued, plead and be impleaded, in all courts of law and equity, having competent jurisdiction.

Sec. 2. That said society shall have power to form a constitution and by-laws for its government; for the regulation of its fiscal concerns; the admission and expulsion of members; the ap-

pointment of officers, and all other things necessary for the proper

and efficient management of its affairs.

Sec. 3. Said corporation may receive donations in money, property, books, and scientific and philosophical instruments, and may hold and devote the same to scientific and literary purposes; they may hold real estate not exceeding the value of five thousand dollars, and may procure the same to be taken and held in shares of ten dollars each, for the purpose of accomplishing the objects of of their association.

Sec. 4. This act to be in full force and effect from and after its

passage.

CHAPTER CCL.

An Act making the side cut constructed by the Delphi Storage and Forwarding Company at Delphi, a part of the Wabash and Erie Canal.

(APPROVED FEBRUARY 16, 1848.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the said cut from the Wabash and Eric canal up to the west end of main street in Delphi, constructed by the Delphi storage and forwarding company be, and the same is hereby declared to be a part of the Wabash and Eric canal; Provided, That the trustees of the Wabash and Eric canal and the said Delphi storage and forwarding company agree thereto, and file their consent in writing, in the office of the board of trustees aforesaid, to be recorded in the books of said office.

SEC. 2. Nothing in this act shall be construed to make the State or the trustees liable for the construction of said side cut canal.

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Sec. 3. This act to be in force from and after its passage.

CHAPTER CCLI.

An Act to incorporate the town of Eaglevillage in Boone county.

(APPROVED FEBRUARY 16, 1848.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the town of Eaglevillage be, and the same is hereby incorporated under the general provisions of the Revised Statutes of the State of Indiana as the same are contained in the twenty-fifth chapter, article first, of said revision.

Sec. 2. The boundaries of said corporation shall be as follows to wit: To extend one quarter of a mile north of the widow Mary Larimore's tavern, and one quarter of a mile south of said tavern, and one half of a mile east and west, so that one half mile square

may be included within said corporation.

Sec. 3. An election for trustees of said town shall be held within three months from and after the passage of this act, in accordance with the provisions of the second section of this article aforesaid, and the clerk of the Boone circuit court is hereby authorized to give the notice as contemplated in said section, for which service the board of trustees shall make him a reasonable compensation.

SEC. 4. This act to take effect and be in force from and after its

passage.

CHAPTER CCLII.

An Act to incorporate the English and German Evangelical Lutheran St. Paul's church in the county of Dearborn.

(APPROVED FEBRUARY 16, 1848.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That John Surface, John Black, and Jacob W. Jacobson, and their successors in office, be, and they are hereby constituted a body politic and corporate, under the name and style of "the English and German Evangelical Lutheran St. Paul's Church (of Kelso township,) and by said corporate name may sue and be sued, plead and be impleaded in any court in the state; and by that name be capable of purchasing, holding, bargaining, and selling any property either real or personal, for the use of said church, both by legal and equitable title, not to exceed in value the sum of ten thousand dollars; and to have perpetual succession according to

the usages and government of the Evangelical Lutheran denomination of christians.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCLIII.

An Act to establish a State road on a part of the county line dividing the counties of Wayne and Randolph.

(APPROVED FEBRUARY 16, 1848.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Moses Davison, Joseph Cox, and John Simcoke, be, and they are hereby appointed commissioners to view, mark, and locate a State road, beginning at a point where the State road leading from Centreville in Wayne county, to Winchester in Randolph county crosses the line dividing the counties of Wayne and Randolph, and running westward on or near said county line to a point where the State road leading from Richmond to Muncie, crosses said county line.

Sec. 2. Said commissioners shall take an oath faithfully to discharge their duties as such commissioners, before some officer authorized to administer oaths, and shall proceed to the performance of their duties at such time as may be convenient to them, and a

majority of them shall constitute a quorum.

Sec. 3. Said commissioners shall make reports to the county boards of the counties of Wayne and Randolph, who at their first subsequent sessions, shall order the supervisors in their respective counties, through whose road districts, the said road shall pass, to open the same to the usual width, and said boards respectively shall have the report of said commissioners recorded in the proper record books, and said boards shall make such allowances to said commissioners as shall be just and reasonable, and said commissioners are hereby empowered to have a surveyor and such other assistance as they may deem necessary.

Sec. 4. This act shall be in force from and after its passage.

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CHAPTER CCLIV.

An Act for the benefit of Michael Riley.

[APPROVED FEBRUARY 16, 1848.]

WHEREAS, R. A. Clements, while commissioner of the New Albany and Vincennes McAdamized Turnpike Road, issued two certificates, numbered 109 and 111, to Michael Riley, for work and labor done on said road West of Paoli, and inadvertently omitted to sign his name as commissioner to said certificates. Therefore,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That said R. A. Clements be and he is hereby authorized to sign said certificates; and said certificates when so signed, shall be valid in law and equity and entitle said Riley or his assignee to draw and receive the amounts of money specified therein, in precisely the same manner as if the same had been signed by said Clements while acting as such commissioner.

SEC. 2. This act to be in force and take effect from and after its

passage.

CHAPTER CCLV.

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An Act relative to High Waters in Jackson county.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That hereafter when the fence-rails or other property, of any person or persons in the county of Jackson and State aforesaid shall be swept away by high water, and lodged upon the lands of another, it shall be lawful for the owner or owners of the same to proceed within thirty days thereafter, upon the premises where said property may be lodged; and in case the proprietor of said lands shall refuse to deliver up the same, the parties shall each select one arbitrator who is disinterested, who shall hear all the circumstances, and determine the case, provided that if they cannot agree, they shall select an umpire, and the decision of any two shall be final between the parties.

Sec. 2. Before said arbitrators shall proceed as above provided, they shall be sworn to discharge their duties faithfully, by some per-

son having power to administer oaths.

Sec. 3. It is further enacted that when two or more persons shall claim any property as aforesaid, they shall give notice to all

interested of the time and place for said arbitration; and upon hearing all the facts and circumstances in the case, the arbitrators shall award to each such a proportion of said property as they may deem reasonable and just.

Sec. 4. It shall not be considered a trespass for any person to go upon the lands of another, for the purposes herein mentioned.

Sec. 5. This act to take effect and be in force from and after its passage and publication in the State Sentinel.

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CHAPTER CCLVI.

An Act for the Relief of Silas Overman of Grant county.

[APPROVED FEBRUARY 10, 1848.]

Whereas, heretofore, to wit, at a regular term of the Grant circuit court, began and held at the court house in the town of Marion on Monday the 12th day of April, A. D. 1847, the inhabitants of congressional township No. 24, North of range No. 8, East, in the county of Grant, on the relation of B. C. Hogin, Esq. school commissioner of said county, recovered a judgment against Silas Overman and others, sureties of one Solomon Wright, former school commissioner, for the sum of two hundred and thirty-eight dollars:

And WHEREAS, said sum of two hundred and thirty-eight dollars so assessed and adjudged, is interest which has arisen from the school fund belonging to said township; and which judgment is

yet unpaid and unreversed:

And Whereas, it appears to the satisfaction of the present General Assembly of the State of Indiana, that a large number of the inhabitants of said congressional township are desirous to release the said Silas Overman from the payment of said sum of two hundred and thirty-eight dollars so found and adjudged by the court. To that end, therefore,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be the duty of the inspector of elections in Center township, Grant county and state of Indiana, on the first Monday in April next, to propound to each voter residing in congressional township number twenty-four, North of range eight East in said county, who appears before him to vote, and before he shall receive his ballot, the following interrogatory, viz: "Are you in favor or against granting relief to Silas Overman?" And it is further the

duty of the inspector, judges and clerks of said election to keep two separate columns in the poll books in which the clerks shall mark and tally the number who shall vote for and against granting relief; which shall be certified under the hands and seals of said inspector, judges and clerks, and one copy thereof be filed with the school trustees of said congressional township and be by them spread upon the minutes of their proceedings, and another copy thereof filed in the clerk's office of the Grant circuit court, and by

him spread in the order book of said court.

Sec. 2. Should a majority of those who reside in said congressional township and who shall vote on the said first Monday of April, be in favor of granting the relief specified in the first section of this act, then and in that case it shall be the duty of the clerk of the Grant circuit court to enter in the order book and judgment docket of said court a full and perfect release as to the said Silas Overman [of] the aforesaid sum of two hundred and thirty-eight dollars, together with all interest that has accrued thereon; and from the time of filing the certified copy in the clerk's office by the inspector as aforesaid, all proceedings either in law or equity shall cease as against said Silas Overman as to the said sum of two hundred and thirty-eight dollars and interest thereon, being the amount of the judgment aforesaid.

Sec. 3. Nothing in the foregoing section shall be so construed as to operate as a release as to the said Solomon Wright and the

balance of his sureties.

Sec. 4. This act to take effect and be in force from and after its passage; and it is hereby made the duty of the secretary of state to cause a certified copy of the same to be filed in the clerk's office of the county of Grant.

CHAPTER CCLVII.

An Act to authorize John S. Woodard to convey certain Real Estate.

[APPROVED FEBRUARY 14, 1848.]

Whereas, it is represented to this General Assembly, that David Claypool, late of Hendricks county and state of Indiana, deceased, in his lifetime did sell certain real estate, and execute title bonds for the conveyance of the same, but died without having received the entire consideration therefor, or conveying the same; therefore:

Section 1. Be it enacted by the General Assembly of the State of

Indiana, That John S. Woodard, one of the administrators of the estate of said David Claypool deceased, be, and he is hereby fully authorized and empowered in his own name, to convey by deed, all or any real estate which may have been sold by said David Claypool and which he did not convey, to the purchasers or their assigns respectively, in accordance with their contracts; and said deed of conveyance so made by the said John S. Woodard, shall pass to the grantee all the title, whether legal or equitable, belonging to the said David Claypool at the time of his death, to all intents and purposes as though the said David Claypool had executed and acknowledged a like deed before his death.

Sec. 2. This act to be in force from and after its passage. of this act, then and in that case it shall be the duty of the clerk of the Grant direct court to crater in the order theck and judgment

CHAPTER CCLVIII.

Overman for I she aforesaid available or bundred and thirty count del-tars together with all interest that the regress thereon, and from the

An Act authorizing the Auditor of Vigo County to sell certain Tracts of Land therein named] APPROVED FEBRUARY 15, 1848.

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the auditor of Vigo county be and he is hereby authorized and directed to sell at public or private sale, for the best price he can procure, the following tracts of land in said county, heretofore purchased in for the benefit of the surplus revenue fund, viz: the South East quarter of the North West quarter of section fourteen, township ten North of range nine West; also the North West quarter of the South West quarter of section fourteen, township ten North of range nine West: also the East half of the North West quarter of section twenty-seven, in township thirteen, North of range eight West, all in Vigo county; heretofore forfeited to the surplus revenue fund, and when sold to execute and deliver to the purchaser a deed of conveyance therefor in the manner now prescribed by law.

SEC. 2. This act shall take effect and be in force from and after its passage. Watersa, it is represented to this General Assembly, that David

Claypool, late of Hendircke county and state of Indiana, desens-

Be it enocted by the General Assembly of the State of

CHAPTER CCLIX.

An Act to authorize an additional place of holding elections in Hamilton township, Jackson county.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the qualified voters of Hamilton township, in Jackson county, be, and they are hereby, authorized to elect an additional inspector of elections for said township, who shall open polls for voting at any house in said township, to be selected by the board of county commissioners in said county, and shall be governed, in all respects, by the laws regulating general and township elections in this state.

Sec. 2. And that the board of commissioners, in and for said county be, and they are hereby, authorized to change the present place of voting in said township to any other house in said township of Hamilton, so that the two places of voting may be situated to suit the convenience of (as the commissioners believe) a majority of the voters of said township by making the places of vo-

ting at least four miles apart.

Sec. 3. In order to determine who are elected supervisors of roads, fence viewers, constables, justices of the peace, and township assessors, the judges and inspectors of elections of the precinct in said township most remote from Brownstown, in the aforesaid county, shall make a certificate under their hands and seals, of the whole number of votes given for supervisors of roads, fence viewers, constables, justices of the peace, and township assessors, and one of the judges of the precincts most remote from Brownstown, shall, on the day preceding the election, meet one of the judges of the precinct nearest to said town, compare the votes, and give certificates of election to persons having the greatest number of votes for the offices aforesaid; the returns in all other respects shall be as prescribed by law.

Sec. 3. This act to be in force and take effect from and after its

passage, and publication in the State Journal.

CHAPTER CCLX.

An Act to authorize Libbeus Frisbee, of the county of Crawford, to build a toll bridge across

Blue river, in said county.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Libbeus Frisbee, of the county of Crawford, be, and he is hereby, authorized to build a bridge across Big Blue river, at Milltown, in said county, on the same site on which the old bridge across said river now stands.

SEC. 2. He shall build said bridge of good, sound, durable timber, of sufficient width and strength for wagons and other vehicles to pass over with convenenience and safety, and may, if he chooses so to do, cover the same with a good roof, so put on as to shelter the timber from rains and storms.

Sec. 3. So soon as said bridge shall be finished, except roof, the said Libbeus Frisbee shall be authorized to charge and collect from all persons crossing thereon, a fair and reasonable toll from every person crossing on foot, and for all animals and vehicles of every kind taken across the same.

SEC. 4. He shall make out in writing or in print, a list of the rates of toll, and keep the same posted up in some conspicuous place on said bridge, and he shall also file a list of said rates of toll with the board of commissioners of Harrison county, which board shall have the power to reduce said rates of toll, if, in their opinion the same shall be too high.

SEC. 5. The said Libbeus Frisbee shall keep an accurate account of the expenses of building said bridge, and as soon as the same is completed, he shall file said account with the board of commissioners of Crawford county.

Sec. 6. He shall also have power to make contracts with any one or more individuals, and receive from them such sums of money as he and they may agree upon, in full satisfaction for their right to cross said bridge thereafter free of toll.

SEC. 7. He shall also have power to receive, by way of subscription, from any person or persons such sums of money as they choose to subscribe towards the construction of said bridge; and also to receive any sum or sums of money which may be appropriated by the boards doing business for the counties of Harrison and Crawford, towards the construction of said bridge.

SEC. 8. The said Libbeus Frisbie shall keep a correct account of all moneys received for tolls, and from any and all the sources provided for in this act, and shall report the same annually to the board doing business for the county of Crawford, at its September term; and so soon as he shall receive full compensation for the expenses of building said bridge and keeping the same in repair,

which he is hereby required to do, and for interest on money advanced, and for expenses in collecting tolls, the said bridge shall be free for all persons to pass without the payment of toll.

SEC. 9. This act shall not be so construed as to authorize the said Libbeus Frisbie to obstruct, in any way, the public road now passing by said bridge and crossing the river at the ford at Milltown, but the same shall be kept in repair for travel as though this act had not passed.

SE. 2. This act to be in force from and after its passage.

CHAPTER CCLXI.

An Act to authorize the commissioners of Vermillion county to establish one additional place of voting in Helt township, in said county.

[APPROVED FEBRUARY 12, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the county commissioners of Vermillion county are hereby, authorized and required to appoint and establish an additional place of holding elections in the township of Helt, in said county, at such place as they, in their discretion, may determine.

SEC. 2. The special laws heretofore enacted, for the government of elections, and the judges and inspectors of elections in the township of Clinton, Vermillion county, shall apply to, and govern the elections in the township of Helt, so far as the same is, or can be made, applicable thereto.

SEC. 3. This act to take effect and be in force from and after its

passage.

CHAPTER CCLXII.

An Act authorizing the board of commissioners of Elkhart county to direct the sale of certain school land.

[APPROVED FERRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the board of commissioners of the county of Elkhart be, and they are hereby, authorized and directed to order and direct the sale of section sixteen, (16) in township thirty-five (35) north, of range five (5) east, in said county, upon the petition of a majority of the legal voters in said congressional township, without requiring a vote to be taken, as provided by article 13, of chapter 13, of the Revised Statutes of 1843; and in all other respects the trustees of said township shall be governed by the provisions of said article in the sale of said land.

Sec. 2. This act to take effect and be in force from and after its passage, and its publication in the Goshen Democrat.

CHAPTER CCLXIII.

An act changing the name of William Jackson to that of William Jackson Morgan.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the name of William Jackson, of Washington township, Rush county, be, and hereby is, changed to that of William Jackson Morgan.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCLXVI.

An Act to incorporate the Lafayette, Monticello, Winnemac and Michigan City rail road company.

(APPROVED FEBRUARY 15, 1848.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Samuel McCormick and Henry L. Ellsworth, of the county of Tippecanoe, Isaac Randels and Henry Ensminger, of the county of White, John Pearson and Ira Brown, of the county of Pulaski, and William A. Place and Reuben Munday, and their successors in office, elected as hereinafter provided, are hereby constituted a body corporate and politic, by the name of "The President and Directors of the Lafayette, Monticello and Michigan City Rail Road Company," for the purpose of making and constructing a rail road from the town of Lafayette, in the county of Tippecanoe, to the town of Monticello, in the county of White, thence to the town of Winnimac, in the county of Pulaski, thence to the town of Laporte, in the county of Laporte, and thence to Michigan City.

Šec. 2. Said company shall have all the powers, and be subject to all the liabilities, contained in an act incorporating the Terre Haute and Richmond rail road company, approved January 26, 1847, which act is found in the local laws of 1847, beginning at page seventy-seven, with the exception of the thirty-sixth section of said act, which shall not apply to this act.

SEC. 3. The provisions contained in said act as to the time and place of meeting of the directors, and all other matters and things whatever, shall be so taken and construed, so as to fully and completely empower the company created by this act to organize and construct said road. And in the construction of this act, each and every provision of the act referred to shall be viewed in its terms and provisions so as to apply to the powers, duties, and liabilities of the company hereby created, and with such proper and necessary variations as to times, and names, and terms, said act is made a part of this act, in the same manner and to the same extent as though said act was herein fully set forth.

Sec. 4. This act to be in force from and after its passage.

CHAPTER CCLXIV.

An Act forming sections 4, 5, 6, 7, 8, 9, 16, 17, and 18, in township 14 north, of range 6 east into one school district.

[APPROVED FEBRUARY 12, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That sections four, five, six, seven, eight, nine, sixteen, seventeen, and eighteen, in congressional township fourteen north, of range six east, be, and they are hereby, constituted one school district, and denominated school district number two, in said township.

Sec. 2. This act to be in force from and after its passage. Road Company, for the purpose of making and constructing a

rail road from the lown of Ladayette, in the county of Tippecanee,

to the town of Montigello, in the county of White, thence to the

town of Winnings, in the come of Pulard, thence to the

town of Laporte, is the county of Laporte, and thence to Michigan

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An Act declaring George W. Bowen, Esq., successor in office to William Dehority, late justice of the peace in Madison county. 400 dadw (bell modos) in the peace in Madison county.

[APPROVED FEBRUARY 12, 1848.] doing too bigs 15

Section 1. Be it enacted by the General Assembly of the State of Indiana, That George W. Bowen, a justice of the peace of Madison county, Indiana, be, and he is hereby, declared to be the successor in office of William Dehority, late a justice of the peace in Andersontown, Madison county, Indiana, and as such successsor in office, shall be entitled to the dockets of said William Dehority, as such justice of the peace, and of his predecessors in office.

SEC. 2. This act to take effect and be in force from and after its passage. omis clines but defining order tody as deg slot la ties

30 dans to vilar moral and the bigs daught Suc. 4. This act to be in force from and after its passage, we

CHAPTER CCLXVII.

An Act to repeal the 4th section of the 47th chapter of the Revised Statutes, so far as relates to Elkhart county, with the second and the second se

(APPROVED FEBRUARY 15, 1848.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That all actions of debt or assumpsit coming within the jurisdicion of justices of the peace in Elkhart county, may be prosecuted before any justice of the peace in the township where the debt was contracted, or where the defendant may reside, at the election of the plaintiff.

Sec. 2. So much of the provisions of the fourth section of chapter forty-seven of the Revised Statutes as contravenes the provisions of this act, be, and they are hereby repealed, so far as relates to the county of Elkhart. And that so much of section one hundred and seventy-five of chapter forty-seven, of the Revised Statutes, as is contained in subdivision number one, of said last mentioned section, be, and the same is hereby repealed, so far as relates to Elkhart county.

Sec. 3. This act to take effect from and after its publication in

the State paper, and to extend to Elkhart county only.

CHAPTER CCLXVIII.

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An Act authorizing Mahala Proffit to discharge the duties of administratrix of her late husband, and act as the guardian of her daughter.

[APPROVED FEBRUARY 1, 1848.]

WHEREAS, George H. Proffit late of Pike county, died leaving Mahala Proffit his widow, and Emily Poffit his daughter, 17 years of age, his only heir at law; AND WHEREAS, A considerable portion of his estate consists of debts which will not be due for several years to come; And Whereas, It is the wish of the said daughter that the said widow should manage the business of the estate without taking letters of adminstration or guardianship, as she was accustomed to do in the lifetime of her father, therefore:

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the said Mahala, during her widowhood, is hereby authorized in her own name to sue and be sued, plead and be impleaded, in any court of law or equity, on account of any debt or other claim in favor of or against the estate of her late husband, and that she may in her own name transact all business and collect all debts coming to said estate, and perform every other duty that an administratrix might do.

SEC. 2. The said Mahala Proffit may in like manner, act as the guardian of the said Emily Proffit, until she choose a guardian, and the said Mahala is hereby authorized to do all acts relative to the person and property of said Emily that might lawfully be done by a guardian appointed under the present laws of this State.

for farty seven of the Revised Statutos as convavines the provis-

ions of the act be, and they are hereby repealed, so the as relates

to the county of Elkhert And that so much of section one ben-

This act to be in force from and after its passage.

dred and seventy five of chapter forty seven, of the Revised Statutes, as a contained in subdivision number-one, of said last mentioned section, be, and the come is hereby repealed, so far as re-

CHAPTER CCLXIX.

An Act to extend the provisions of a certain act therein named to the counties of Jay and Blackford.

[APPROVED FEBRUARY 12, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the provisions of the act entitled, "an act to repeal certain special laws in force in the eleventh judicial circuit" approved January 23, 1847, be, and the same are hereby extended to the counties of Jay and Blackford, and the clauses of said act excepting said counties from its provisions, be, and the same are hereby repealed.

Sec. 2. This act to take effect and be in force from and after its

passage.

Weigras, theorga H. Profit late of Pika county, died leaving Mahala Profit his widow, and Edgiff Potti his daughter. 17 years of age, ins only heir at taw 1 day Wagnars. A considerable portion of his estate consists of daths which will not be due for several years to come 1, two Wagnars, It is the wish of the said daughter that the said widow should manager the business of the cetate without taking lotters of administration or quardianship, as she was accustomed to do in the lifetime of her father, therefore:

Securior 1. He il rimetel by the General Assembly of the State of Indiana, That the said Mahala, during her widowhood, to hereby antihorized in her own name to soo and be steed, plead and be implea-

CHAPTER CCLXX.

An Act providing for the survey and record of roads in Elkhart county.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the board of commissioners of Elkhart county are hereby authorized to procure a blank book of records in which the auditor of said county shall record all state, county, and township roads and cartways which may have been established since the organization of the county, in the said county of Elkhart, and in which, in like manner, all such roads as may hereafter be established shall be recorded, and such record shall be in lieu of the record heretofore required by law.

Sec. 2. Said record shall be prima facia evidence of the matters

therein contained in all courts of law and equity.

Sec. 3. Where the record of said roads is deficient as to the width of the same, all state roads are hereby established 66 feet in width, and all county and township roads forty feet in width, and it is hereby made the duty of supervisors of roads to open the same

accordingly.

SEC. 4. It shall be the duty of the board of commissioners in all cases where said roads have not been surveyed, or the lines are not clearly defined, to cause a survey of the same to be made by the county surveyor, who shall designate their precise location by proper monuments, and recorded as above, the expense of which survey, for all state and county roads shall be defrayed from the county treasury, and of township roads and cartways from the respective township treasuries.

Sec. 5. No roads hereafter established shall be recorded unless accompanied with a survey of the same; *Provided*, That a survey may be dispensed with where the road follows exclusively a section

or half section line.

Sec. 6. All roads confined to the limits of a township shall be laid by the board of trustees thereof, and where the same extends through, or partially through, two or more townships, the same shall be laid under the direction of the board of county commissioners, as now provided by law.

SEC. 7. In all cases where the original points, designated for the location of any road, are indefinite, the board of commissioners are hereby authorized in their discretion to appoint some competent person as a locating commissioner, to accompany said surveyor, who shall determine the location thereof, in the manner in the fourth section of this act provided.

Sec. 8. The board of commissioners shall, at any regular session, designate any road or roads, which are to be surveyed under

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the provisions of this act previous to their next regular session, and make the same matter of record, a certified copy of which record shall forthwith be published in some newspaper of general circulation in said county, and no survey of such road shall be had, until after such publication has been made for three weeks successively, and not them, if any person or persons, desirous of changing the existing location of any such road, shall, before the expiration of said three weeks full publication of notice, file in the office of the auditor of said county, notice that at the next regular session of the board of county commissioners or board of township trustees, he or they will take such measures as are authorized by law to procure a change in the location thereof; and such survey shall be suspended till after the determination of such proceedings.

Sec. 9. All acts and parts of acts coming within the purview of this act are hereby repealed, and this act shall be in force from and

after its publication in the Goshen Democrat.

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An Act for the relief of the purchasers of school lands in the counties of Carroll and Clinton.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That all persons who become purchasers of school lands in the counties of Carroll and Clinton prior to the passage of the thirteenth chapter or article of the Revised Code concerning lands belonging to common schools be, and they are hereby allowed the same time to pay for such lands as is allowed to purchasers under said law.

Sec. 2. This act to be in force from and after its passage.

sion descenses any road or reads, which are to be surreved under

CHAPTER CCLXXII.

An Act to amend the seventy-sixth section of the fifteenth chapter of the Revised Statutes.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the seventy-sixth section of chapter fifteen, article three of the Revised Statutes, be so amended as to allow all school districts in Elkhart county to raise any sum not exceeding seventy-five cents on each one hundred dollars, in any one year, for the purpose of building school houses.

Sec. 2. This act to be in force from and after its passage and its

publication in the Goshen Democrat.

CHAPTER CCLXXIII.

An Act for the relief of Syria Aldrich.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assemby of the State of Indiana, That the board of county commissioners of the county of Warren, and State of Indiana, are hereby authorized and empowered to pay to Syria Aldrich the sum due to the said Aldrich, for the construction of a bridge across Big Pine creek, at the town of Rainesville, in said county, directed to be built by the said Aldrich as commissioner, by the 73d section of an act approved February 24th, 1840, entitled "an act to establish certain state roads therein named, and for other purposes;" and also such further sum as may have been recovered in costs against the said Aldrich, in consequence of payment for the said service having been withheld from him.

SEC. 2. That the said sums when so paid to the said Aldrich, shall be charged to the account of the three per cent. fund, which may hereafter be apportioned to the said county of Warren.

SEC. 3. This act to be in force from and after its passage.

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CHAPTER CCLXXIV.

An Act to authorize the board doing county business in the county of Dubois to levy or dispense with a road tax at their discretion.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Iadiana, That the board doing county business in the county of Dubois be and they are hereby authorized to levy or dispense with a road tax, as in their discretion shall seem expedient.

Sec. 2. The said board, if they decide to dispense with a road tax, shall make an order to that effect, and state for what year they so dispense with said tax.

Sec. 3. This act to be in force from and after its publication.

CHAPTER CCLXXV.

An Act for the relief of Dempsey Linton, of Randolph county.

[APPROVED FEBRUARY 14, 1848.]

WHEREAS, At the public sale of school section sixteen, in township number twenty, of range number twelve, in Randolph county, held by the schoool commissioner of said county, on the 1st day of February, A. D. 1840, lots number one, eight, and nine, of forty acres each, of the said section were struck off and sold by said commissioner to one Willis C. Willmore, numbers one and eight for the sum of eighty dollars, and number nine for one hundred dollars, of which the said Willmore paid one-fourth part, to-wit, the sum of sixty-five dollars down, and one year's interest in advance upon the residue of the purchase money, and took a certificate of purchase as provided by law: AND WHEREAS, Afterwards, on the 7th day of September, 1841, the said Willis C. Willmore sold said lands to Dempsey Linton, of Randolph county, and assigned to him the said certificate of purchase as aforesaid by law: AND WHEREAS, The said Dempsey Linton having failed to pay the interest on the residue of the purchase money which fell due on the 1st day of February A. D. 1842, the said lands forfeited to the said township and still belongs to the same; Therefore,

Section 1. Be it enacted by the General Assembly of the State of

Indiana, That the said Dempsey Linton, his heirs or assigns, any time in the year 1848 be permitted by the proper officers of the county of Randolph to re-enter the said school lands, to-wit: lots numbers one, eight, and nine, in section sixteen, town twenty, range twelve, for an amount equal to the balance of the principal that was unpaid thereon at the time of the forfeiture thereof, giving him the same credit now allowed by law on school lands.

SEC. 2. This act to take effect and be in force from and after its passage.

in his possession for sale to be used by raid county.

CHAPTER CCLXXVI.

. See 2. The receipt of such that to said beginner shall be en-

An Act in reference to the fees of the Clerk of Sullivan county.

[APPROVED FEBRUARY 14, 1848.]

SECTION 1. Be it enacted by the General Assembly of the State of Indiana, That the clerk of the circuit court of Sullivan county be, and he is hereby authorised (as it was intended by the special act of 1846-7) to charge individuals those small fees or perquisites that were allowed clerks for like services at the time the office of county auditor was first created in this State, in addition to the sum authorized to be allowed by the board of county commissioners of said county by the act of 1846-7, and no more.

SEC. 2. This act to take effect and be in force from and after its passage. Well door at passage adapting descript familia or analysm

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country on such day on they be were the first day of Procombulan

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CHAPTER CCLXXVII.

An Act providing for the procuring of additional copies of the Revised Statutes of 1843, in the County of Kosciusko.

[APPROVED FEBRUARY 12, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the treasurer of said county of Kosciusko be, and he is hereby required upon demand, to deliver to the clerk of said county one dozen copies of the Revised Statutes of 1843, which are in his possession for sale, to be used by said county.

SEC. 2. The receipt of such clerk to said treasurer, shall be his sufficient acquittance, on settlement for said Revised Statutes.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER COLXXVIII.

An Act defining the duties of the County Treasurer of Shelby County.

APPROVED FEBRUARY 12, 1848.

Section. 1. Be it enacted by the General Assembly of the State of Indiana, That hereafter it shall be the duty of the county treasurer of Shelby county for the purpose of receiving and collecting the revenue, to attend at such place or places, in each township in said county, on such day or days between the first day of December in each year, and the first day of February next succeeding, as may be designated and ordered by the board of commissioners of said county.

SEC. 2. That so much of the fifty-fourth section, chapter twelve, of the Revised Statutes of 1843, and so much of an act entitled "an act defining the duties of county treasurers," approved January 22, 1847, as conflicts with this act, so far as relates to the said county of Shelby, be, and the same is hereby repealed.

SEC. 3. This act to be in force from and after its passage.

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authorizing probate judges to take and certify acknowledgement

An Act to incorporate the Peru, Rochester, Plymouth and South Bend Railroad Company.

[APPROVED FEBRUARY 16, 1848.]

ladema, That all acknowledgments of deeds and other instruments Section 1. Be it enacted by the General Assembly of the State of Indiana, That James T. Miller, Richard S. Britton, and William J. Holman, of the county of Miami, and Joseph Robins, John Robins, and Thomas Shelton, of the county of Fulton, and George Taylor, William Dunham, and G. S. Cleveland, of the county of Marshall, and John Brownfield, Dr. A. B. Merrit, and George Earl, of the county of St. Joseph, and their successors duly elected as hereinafter directed, are constituted a body politic and corporate by the name and style of the Peru, Rochester, and Plymouth, and South Bend Railroad Company, and shall be capable of suing and being sued, and to have and possess all the powers of a body politic and corporate, necessary for the purposes of constructing a railroad from the town of Peru, in Miami county, to the town of South Bend, in the county of St. Joseph, by the way of the towns of Rochester and Plymouth.

SEC. 2. That all the rights, benefits and privileges, conferred on the Peru and Indianapolis company by the act to incorporate that company, approved January 19th, 1846, be, and hereby is conferred on the Peru, Rochester, Plymouth, and South Bend Railroad Company, hereby incorporated, and the charter of the said Peru and Indianapolis Railroad Company be, and hereby is declared to be the charter of this company, with the exception of the thirteenth section of said act, which so far as this act is concerned be, and the same is hereby repealed: Provided, That nothing herein contained shall in any wise effect, change, or modify the provisions of the charter of the Peru and Indianapolis Railroad Company, and nothing herein shall be so construed, as to impair any of the rights of the said company. SEC. 3. This act to be in force from and after its passage.

CHAPTER CCLXXX. II velle lie bus she

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Sec. 3. It shall be the day of entil board to pay, or cause to be

property that the pay over all money that may come

ers, or to the clerk thereof in vesselon.

An Act legalizing the acts of the Probate Judge of Lagrange County. I APPROVED FEBRUARY 12, 1848.] The second of

WHEREAS, it is represented to this General Assembly that William L. Prentiss, under a misapprehension of his duties as judge of the Lagrange county probate court did, after the repeal of the law

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authorizing probate judges to take and certify acknowledgement of deeds and other instruments of writing, continue to take and certify as probate judge as aforesaid, acknowledgements of deeds and other instruments of writing, until the year 1845; Therefore,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That all acknowledgments of deeds and other instruments of writing, taken and certified by William L. Prentiss, as judge of the Lagrange county probate court, subsequent to the year 1842, and prior to the year 1845, be, and the same are hereby legalized, and the same shall be received as good and valid in law to all intents and purposes.

SEC. 2. This act to take effect and be in force from and after its passage.

name and style of the Pern Rochester, and Plymouth, and South

Bend Railread Company, and shall be camable of suing and being

ested, and to have and possess all the powers of a body politic and

corporate, necessary for the preposes of constructing a railroad

county of St. Joseph, and their attecessors duly elected as .agazasaq ter directed, are constituted in body, politic and corporate by in

from the town of Fern in Miami county to the town of South Bend, in the county of St. MXXXIX CHAPTER CCLXXXII. 18 to the county of St.

An Act to authorize the sale of the Library of Decatur county.

hemologies at videred [APPROVED FEBRUARY 14, 1848,]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the board of commissioners of Decatur county are hereby authorized to appoint a commissioner, under such regulations as said board may prescribe, to sell all the maps, charts, pamphlets, books, furniture, and all property whatever, pertaining to the library belonging to said county.

SEC. 2. Said board shall prescribe, by an order entered on the records of the same, the time, places, and terms of the sale of said library as aforesaid, and shall require such commissioner to give due notice of such sale, and to make a full report of his doings in the premises to said board, and to pay over all money that may come into his hands, arising from such sale, to said board of commissioners, or to the clerk thereof in vacation.

SEC. 3. It shall be the duty of said board to pay, or cause to be paid, to the treasurer of said county, the money arising from such sale, and all other money belonging to, or in anywise accruing to the library of said county by law, and the receipts of said treasurer for such moneys shall be filed with the auditor of said county; and such moneys, when so paid into the treasury of said county, shall be known and designated as the "Library Fund of Decatur county."

SEC. 4. It shall be the duty of the auditor and treasurer of said county to manage and loan said fund, and all interest accruing thereon, in all respects as provided by law in regard to the other trust funds now belonging to said county, in the hands, and under

the control of said officers, and they, in their annual reports to the board of commissioners, shall make a full statement of the condition of the library fund hereby created, as required by law in case of other trust funds.

Sec. 5. Said fund, and all interest accruing thereon, shall constitute a trust fund for the use of a public library for said county, and shall remain in the treasury of said county, and be loaned by the proper officer on the same terms, rate of interest, and secured by mortgage, in the same manner as other trust funds of said county are loaned and secured, until further provision is made herein by law

Sec. 6. All notes, mortgages, or instruments of writing, taken by the proper officer, in loaning and securing the payment of loans of the fund hereby created, shall be in the name of the "State of Indiana for the use of the Library tund of Decatur county," and may be sued on and collected in like manner as debts due to other trust funds.

SEC. 7. It shall be the duty of the commissioner, herein provided to be appointed, to demand and receive of the officers or members of the board of trustees of said library, and the duty of such officers or members of such board, to deliver to such commissioner all papers, books, or property of any kind whatever in their hands pertaining to said library; and said commissioner shall deposit all papers, books, or property remaining in his hands undisposed of after the sale herein authorized has been made pertaining to said library, with the auditor of said county, to be by him kept and preserved.

SEC. 8. Said board of said county shall order to be paid out of the fund hereby created all reasonable expenses that may be incurred by carrying out the provisions of this act.

SEC. 9. This act to be in force from its passage.

CHAPTER CCLXXXII.

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An Act to Incorporate the town of Washington, Wayne County, Indiana.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the inhabitants of so much of the county of Wayne as is contained within the following boundaries, to wit: including all in and out lots within three hundred yards of the original town plot, and including all the lots that have been sold since the first sale of lots, are created a body corporate and politic, by the name

and style of the "Corporation of Washington," and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts and places, either in law or equi-

ty, and in all places whatsoever.

Sec. 2. The qualified voters within the bounds of the above described territory shall be required to meet on the first Monday of March, 1848, for the purpose of electing one mayor, four councilmen; one secretary, one treasurer, one street commissioner, and one marshal; and when so assembled, it shall be their duty to select one inspector, who shall select two judges and two clerks, all of whom being duly sworn, shall proceed to conduct said election in

the usual manner of conducting general elections.

SEC. 3. It shall be the duty of the inspector and judges of such election to certify, under their hands and seals, the person or persons who received the highest number of votes for the several offices above enumerated; which certificate shall be filed and put on record by the secretary of said corporation. The officers thus elected shall meet within ten days after such election, or a majority of them, and after taking an oath or affirmation faithfully, dilligently, and impartially to discharge their duty in their several offices, shall be considered as capable of transacting all the business contemplated by this act of incorporation; and in case of any vacancy in any of the above offices above enumerated, except of the office of mayor, the council shall have a right to fill such vacancy: And be it further enacted, That all officers elected under this act shall serve one year, and until their successors are elected and qualified, which election, after the first, shall be held by a majority of the council annually.

Sec. 4. The mayor, after taking the oath of office, shall enter into bond, with security to the satisfaction of the council, in the sum of one thousand dollars, payable to the state of Indiana, for the use of the corporation, for the faithful performance of the duties of his office; and shall be vested with all the powers of a justice of the peace; both in civil and criminal cases; and shall be governed by the statutes of the state, regulating justices of the peace in criminal and civil cases; and further, the said mayor shall preside at all meetings of said council, sign all laws enacted for the good govern-

ment of said corporation, and enforce the same.

SEC. 5. Within ten days after the election, the treasurer and marshal shall each enter into a bond for the faithful performance of their several duties as marshal and treasurer of said corporation in a sum of not less than five hundred nor more than one thousand dollars, to the satisfaction of said council, payable to the state of Indiana, for the use of the corporation; which bonds, with that of the mayor, shall be deposited with the secretary of said corporation, and upon which suit may be brought for neglect of duty, in the name of the state of Indiana, for the use of the corporation.

Sec. 6. The marshal shall be vested with the powers of a con-

stable, serve all process issued by the mayor, and be governed in all his official acts by the laws of the state regulating the duties of constable; whose fees shall be the same as that of constable for similar services.

SEC. 7. The mayor and council shall have power annually to levy and collect a tax on real and personal property, not to exceed one-fourth of one per centum on its valuation; and on all shows, exhibitions, or amusements which may be exhibited for gain, not less than one nor more than ten dollars for every exhibition; and further, said council shall have power to pass such by-laws or ordinances as may be necessary to guard against damage by fire, to regulate and govern the markets, to prevent the erection of public nuisances and remove the same, and generally to enforce, by proper penalties, the observance of all laws and ordinances relative to the police and government of said incorporated town.

Sec. 8. The Secretary shall attend all meetings of the council, shall make a record of all their proceedings in a book kept for that purpose, enter in said book all laws and ordinances passed by said council; and when said council shall direct, it shall be the duty of said secretary to procure from the county auditor an abstract of all the taxable property within the bounds of said corporation, which abstract shall govern said secretary in making out his duplicate.

Sec. 9. It shall be the duty of the marshal, whenever he is furnished with a duplicate of taxes to be collected, duly certified to by the secretary of said corporation, to proceed to the collection of the same within such time as the council of said incorporation may direct, and for such service the council shall allow what they may think

just and right.

SEC. 10. When the tax on any property or lot, except personal property, cannot be collected without distress and sale, the marshal shall return said delinquent property to the auditor of the county, with the amount of tax due said corporation, who shall enter said tax on his duplicate, which tax shall be collected under the same laws that state and county taxes are collected by the county collector; and when so collected, the treasurer of said county shall pay over the same to the treasurer of said incorporation.

SEC. 11. The bounds of said incorporation shall constitute one road district, which road district shall be under the control of the council of said incorporation, who may order the street commissioner to keep the same in good repair; which street commissioner shall have all the authority of a supervisor over the hands within the bounds of said district, who shall be subject to the order of the street commissioner in the amount of labor necessary to be done, and said commissioner to the order of the council; which street commissioner shall be allowed such compensation as the council may deem just and right.

S_{EC}. 12. All moneys arising from fines, licenses, and other sources accruing under the regulations of said corporation, shall be

paid into the treasury thereof, and shall be expended under the direction of the council, to the repairs of the streets and such other improvements as they may deem most expedient.

Sec. 13. This act to be in force from and after its passage.

CHAPTER CCLXXXIII.

An Act to incorporate the Cambridge and Milton Turnpike Company.

[APPROVED FEBRUARY 14, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Robert Murphy, William Elliott, John Richey, John M. Ross, Frederick Johnsonbaugh, Benjamin Conklin, and Thomas Tyner, and their successors in office, duly elected as hereinafter directed, are hereby constituted and appointed a body politic and corporate, and by the name and style of the "Cambridge and Milton Turnpike Company," shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto in any and all courts of justice whatever, to make and use a common seal and the same to alter, change or renew at pleasure, and shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same not inconsistent with the constitution and laws of this state.

SEC. 2. The capital stock of said corporation shall be twenty thousand dollars, divided into shares of ten dollars, with power to increase the capital stock if necessary to accomplish the objects herein contemplated.

Sec. 3. The directors in this act named, or a majority of them shall meet at such time and place as they may agree upon, and organize said corporation by electing one of their body president, and after such organization a majority of said board shall be a quorum to do business.

Sec. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other persons and officers necessary to carry into effect the provisions of this act. They shall keep a journal of their proceedings, in which shall be entered all by-laws and regulations, and all orders for the payment of such allowances as may be made to their officers and all others in their employment, which journal and proceedings

shall from time to time be signed by the president; when the president is absent they may appoint a president pro tempore, and shall fill all vacancies that may occur in their body.

Sec. 5. The corporation shall cause books to be opened for subscriptions to the capital stock at such time and at such places as they may choose, due notice of which shall be given, in each of which books the following entry shall be made: "We the undersigned promise to pay the sum of ten dollars for each share of stock set opposite our names, in labor, materials, land, or money, (the value to be settled by the board of directors,) in such manner and at such times and proportions as the president and directors of the Cymbridge and Milton Turnpike Company may direct. Witness our hands this day of A. D. 18."

Sec. 6. As soon as one hundred shares are subscribed it shall be the duty of the corporation to give three weeks' notice thereof in the nearest newspaper printed in the vicinity of said contemplated road, and in such notice to appoint a time and place for the stockholders to meet and elect seven directors, who shall be stockholders and citizens of the state, which election shall be held within three months after the last share in the one hundred shares shall be subscribed for, and shall be conducted by two judges appointed by the stockholders present, and the persons having a plurality of votes shall be declared duly elected. No stockholder shall have a right to vote at any election unless he shall have held such stock one month previous to the election; in all elections one share shall entitle the holder to one vote only, and a like proportion for a greater number of shares, and votes may be given by persons holding the same, by one of any partners or by proxy.

Sec. 7. It shall be the duty of the directors elected as above, and those elected at all subsequent elections to meet as soon thereafter as they consistently can, and elect one of their own body president; and the president and directors thus elected shall continue in office until the next annual election, and until their successors are elected and organized.

Sec. 8. All elections after the first shall be held on the Tuesday of annually under the direction of the stockholders to be appointed by the board at a previous meeting or by the stockholders present, of which election notice shall be given; *Provided*, That if from any cause whatever there shall be no election held on the day appointed it shall be lawful to hold the election on any other day to be designated by the directors.

SEC. 9. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; they shall be signed by the president and countersigned by the clerk. Stock shall be transferrable on the books of the corporation only personally or by agent or attorney legally authorized, but such stock shall at all times be holden thereof to the corporation for any sum that may thereafter become due on a contract made prior to such transfer.

SEC. 10. The corporation shall have power to call for such part

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of the stock subscribed as may seem to them necessary to carry on the work, to be paid by the stockholders in such materials, land, labor or money as shall have been designated by the party subscribing for the stock, to be paid at such time and place as the board of directors may designate by giving sixty days' notice in one of the nearest newspapers to said road, or by giving written notice to the stockholders. In all such notices the amount demanded on each share and the time and place of payment shall be set forth, and it shall be the duty of the board of directors to give to each person subscribing for stock in materials or labor notice to furnish the same upon the road, designating the point where it will be received, and if any stockholder shall neglect or refuse to pay or furnish such requisition within ten days after the time designated in such notice for such payment, the corporation shall have power to collect the same by an action at law in any court of competent jurisdiction.

SEC. 11. The corporation shall require of all officers and others in their employment, bond with security to their acceptance, with such penalty or penalties as they may think proper for the faithful

performence of their respective duties.

SEC. 12. The corporation shall, by their agent have power from time to time to examine, mark, and locate the route of said turnpike road from Cambridge City to Milton, with power to lay it on the present traveled road from one point to the other, or diverge from the same, or take any other line for the interest of the company and public convenience; such road shall not exceed one hundred feet in width.

Sec. 13. And for the purpose of making such examination and location it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any lands to make surveys and estimates for the purpose of searching for stone, gravel, wood,

or other materials for the construction of said road.

SEC. 14. It shall be lawful for the corporation, either before or after the location of any section of said road, to obtain from the person or persons through whose lands said road may pass, a relinquishment of so much of said land as may be necessary for the construction of said road or location thereof, as also the stone, gravel, wood, timber, or other materials that may be obtained on said route, or near thereto, for the benefit of said corporation, and all such contracts, relinquishments, donations, gifts, grants and bequests made and entered into in writing by any person or persons capable in law to contract, made in consideration of such location or otherwise, and for the benefit of the corporation, shall be binding and obligatory, and the corporation may have their action in any court of competent jurisdiction to compel the observance of the same.

Sec. 15. The corporation shall cause said road to be opened not exceeding one hundred feet wide, and at least twenty feet shall be made an artificial road, to be covered with gravel, sand, stone, wood, coal, clay, or other such material as can best be secured, to be put on in as compact a manner as is usual for such materials.

Sec. 16. That when said road or any particular section thereof shall be located, it shall be the duty of the corporation to cause a plat thereof to be deposited in the office of the county auditor in the county where such location is made, and after that time it shall not be lawful for said corporation to alter or change any part thereof unless said corporation pay the owner or owners of the land on said route the amount of damage they may sustain by such charge.

Sec. 17. That if the road after its completion, or any section thereof shall be suffered to go to decay, or be impassable for one year, (unless the same is being repaired,) this charter shall be con-

sidered as forfeited.

Sec. 18. The corporation shall commence the construction of the road within two years and complete the same within five years, and whenever said road shall be completed agreeably to the provisions of this act, the county commissioners of the county where such road is constructed shall appoint an agent to examine the same and report his opinion in writing to the corporation, and if said report shall state that the road is completed agreeably to the provisions of this act, the corporation may then erect a gate, and demand and receive of all persons traveling said road (footmen excepted) such tolls and at such rates as the said corporation may determine upon to collect and receive from all persons traveling (except footmen) or for the privilege of driving all kinds of live stock, wagons, teams, pleasure carriages, sleighs and all other vehicles and things that may pass said road or any part thereof, as shall be for the interest of said company, and the same to change, lower or raise at pleasure. A list of the rates established shall be posted up at some conspicuous place or places at each gate.

Sec. 19. If any person or persons using said road shall, with intent to defraud said company or avoid the payment of toll, pass through any private way, gate or bars, or along any ground near to said turnpike gate which shall be enclosed pursuant to this act, or shall practice any fraudulent means with intent to evade or lessen the payment of such tolls or to defraud said corporation, each and every person concerned in such fraudulent practice shall for every such offence forfeit and pay to the corporation the sum of five dollars, to be recovered with costs of suit in an action of debt at the suit of the corporation before any justice of the peace in the county: *Provided*, That nothing in this act shall be so construed to prevent persons residing along said road from passing about their

premises upon said road upon their ordinary business.

SEC. 20. Any person wilfully or negligently destroying, defacing or removing any guide-board, mile-post or stone, or list of rates of toll erected on said road, shall on conviction thereof before any justice of the peace or court having competent jurisdiction, forfeit and pay a sum not exceeding twenty dollars, to be recovered with costs of suit in action on the case at the suit and for the use of the corporation.

Sec. 21. If any toll-gatherer on said road shall unreasonably

detain any passenger after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall for every such offence forfeit and pay a sum not exceeding ten dollars, to be recovered before any justice of the peace having competent jurisdiction, within twenty days after the occurrence.

SEC. 22. This act to be in force from and after its passage.

CHAPTER CCLXXXIV.

An Act to incorporate the Boonville and Ohio river Railroad Company.

[APPROVED FEBRUARY 15, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Joel W. B. Moore, Thomas Haudpeth, Vecissimus R. Phar, Christopher C. Graham, David Rodgers, John B. Kelly, John Lynn, David W. Beeson, James Ashly, G. H. Roberts, M. M. Phelps, Samuel Summers, Henry Williams, Alpha Frisbie, Charles Dickerson, N. E. Armstrong, E. Perrizo, Jonathan Floyd, and G. W. Carey, of the county of Warrick, and their successors in office, duly elected as hereinafter directed, are hereby constituted and appointed a body politic and corporate, and by the name and style of the "Boonville and Ohio river Railroad Company," shall be able and capable in law to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatsoever; to make and use a common seal, and the same to alter, change, or renew at pleasure; and shall be able and capable in law to make, contract, and enforce the same, with full power and authority to acquire, hold, possess, use, occupy, and enjoy real estate, and the same to sell, convey, and dispose of as shall be for the interest of said company; and may also make, ordain, establish, and put in execution such necessary by-laws, rules, and regulations to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

SEC. 2. The capital stock of said corporation shall be fifty thousand dollars, divided into shares of fifty dollars, with power to increase the capital stock to one hundred thousand dollars, as herein-

after provided for.

Sec. 3. The directors in this act named, or a majority of them, shall meet in the town of Boonville as early as convenient after the taking effect of this act, and organize said corporation by electing

one of their body president, and after such organization five mem-

bers of the board shall be competent to do business.

SEC. 4. The corporation shall cause books to be opened for subscription to the capital stock, at such time and such places as they may choose-due notice of which shall be given-in each of which books the following entry shall be made: "We the undersigned promise to pay the sum of fifty dollars for each share of stock set opposite our names, in such manner and portions, and at such time as the president and directors of the Boonville and Ohio Railroad company may direct. Witness our hands this — day of —, 184." And all persons of lawful age, or the agent of any corpo-

rate body may subscribe for stock.

Sec. 5. As soon as five hundred shares are subscribed, it shall be the duty of the corporation to give three weeks' public notice thereof by manuscript or printed advertisements set up at each place where subscriptions have been made, and in such notices appoint a time and place for the stockholders to meet and elect their directors, who shall be stockholders, which election shall be held within three months after the last share in the five hundred was subscribed for, and shall be conducted by two judges appointed by the stockholders present, and the persons having the majority of votes given shall be declared duly elected. No share shall confer a right to vote unless there shall be two dollars and fifty cents thereof duly and properly secured by a note negotiable and payable at the Evansville branch of the State bank of Indiana, at one hundred and twenty days from the day of voting; or by the payment of like sum in cash with rebate of four months' interest. Nor shall any share confer a right to vote at any election unless the sum shall have been held one month previous to the election. In all elections each share shall entitle the holder to one vote, and votes may be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator, executor, trustee, or guardian, and any person having a share in their own right may vote by proxy.

SEC. 6. It shall be the duty of the directors elected as aforesaid, and those elected at all subsequent elections to meet as soon thereafter as they conveniently can, and elect one of their body to be president. The president and directors thus elected shall continue in office until the next annual election, and until their successors

are elected and qualified.

SEC. 7. Be it further enacted, That it shall be the duty of the president and directors, to appoint a clerk or secretary, and cause a record of their proceedings to be kept; they may also appoint a treasurer, and such other officers or agents as they may think needful for promoting said undertaking; and to allow them such pay or compensation as they may agree on; to make contracts, and do all things necessary for carrying the same into immediate effect, and to require and take such bonds or other surety, in their corporate capacity, from any person or persons they may so appoint or contract with; and in the event of the death, resignation, or vacancy from any other cause, of the president or any director, the survivors or a majority of them, shall supply the vacancy until the next annual election, by the election of another shareholder.

SEC. 8. The board shall have power to declare any stock upon which the said sum of two dollars and fifty cents shall not have been paid or secured as aforesaid, to be forfeited, and to demand, have, receive, sue for, and recover in the name of said corporation the sum of fifty cents for each share so forfeited, by action of assumpsit against the subscriber, or in their discretion the corporation may bring suit against each delinquent subscriber for the amount due, and the judgment thereon, and other subsequent proceedings shall be regulated by section 11 of this act.

SEC. 9. All elections after the first, shall be held on the first Monday of September annually, under the direction of three stockholders, not directors at the time, to be appointed by the board at a previous meeting; or by the stockholders present, of which election notice shall be given: Provided, That if from any cause whatever, there should be no election held on the day appointed by this act, or by the directors, for the first election, it shall be lawful to hold

the election on any other day.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; it shall be signed by the president, and countersigned by the clerk; the stock shall be transferrable on the books of the corporation only, personally or by an agent or attorney, or by the administrator, executor, trustee, or guardian, but such stock shall at all times be holden by the corporation, for any dues from the holder thereof to the corporation, or for any sum that may thereafter become due, on a contract made prior to such transfer.

SEC. 11. The corporation shall have power to call for such proportions of the stock subscribed, not exceeding twenty-five per centum of the amount of stock, every six months as they may think proper, to be paid at such time and place as they may designate, by giving sixty days notice, in some weekly newspaper, printed nearest the place where a majority of the stock is held, or by giving written notice to the stockholders; in all such notices, the amount on each share demanded, and the time and place of payment shall be set forth, and if any stockholder shall neglect or refuse to pay such requisition, within ten days after the time named for such payment, the corporation may bring suit against such delinquent, for the amount due, in any court of competent jurisdiction, and recover the amount, with two per centum interest thereon, for such detention; and if the amount cannot be made on execution, or if such delinquent is out of the state, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall thereby be absolutely forfeited to the corporation; and no such delinquent before the forfeiture of his stock shall have the right to vote for directors, or receive any dividend on his, her, or their stock, until the corporation is fully paid and satisfied.

Sec. 12. That the said president and directors, or a majority of them, may appoint all such officers, engineers, agents or servants, whatsoever, as they may deem necessary for the transaction of the business of the company, and may remove any of them at their pleasure; and they, or a majority of them, shall have power to determine by contract the compensation of all the engineers, officers, agents, servants, or others in the employ of the said company, and to regulate by their by-laws, the manner of adjusting and settling all accounts against the company; that they, or a majority of them, shall have power to erect buildings, for the safe-keeping of articles entrusted with them for transportation, and for work-shops necessary for the business of the company; that they, or a majority of them, shall have power to settle, adjust, fix, and determine the point or place on the Ohio river where said railroad shall end and terminate, commencing the same at Boonville, in Warrick county; and they are hereby invested with full power by themselves or agents, to examine and survey and locate a railroad route from such commencing to such terminating points, on the most suitable ground, and such as will be most conducive to the public good and the interest of said corporation, and to build and construct a railroad on said route, and to fix the grade and superstructure of such railroad for such motive power as may be determined on by said corporation: Provided, however, That said railroad route shall not be located on any state or county road, without the said corporation first having obtained permission so to do from the board of county commissioners of the county in which a state or county road is sought to be used, and which permission, when once given and entered on the order book of said commissioners, shall be irrevocable, during the existence of the corporation: Provided, Said corporation, before asking for the use of said state or county road, shall give three weeks' notice in some newspaper, printed in the county where such application is to be made, if any there be, if not, by written notice, in three of the most public places in said county.

Sec. 13. And for the purpose of making such examination and location of said railroad route, it shall be lawful for said corporation and their agents and persons in their employ, to enter upon any lands to make surveys and estimates, and for the purpose of searching for stone, wood, or other materials, necessary for the construction of said railroad; but no stone, or wood, or other materials shall be taken away from any land, without the consent of the owner thereof, or until the amount of compensation therefor has been as-

certained.

Sec. 14. It shall be lawful for said corporation, either before or after the location of said railroad, to obtain from any person or persons through whose land said road may run, a relinquishment of so much land as may be necessary for the construction of said road, also the stone, timber, and other materials, that may be obtained on said route, and may contract for any stone, timber, and other materials, on any lands near to said road, for the benefit of said corporation;

and said corporation may receive by gift, grant, donation or bequest, made and entered into in writing, by any persons capable in law of contracting, made in consideration of such location of said road, and for the benefit of said corporation, land, money, labor stone, timber, or any other kind of property, and all such gifts, grants, donations, and bequests, shall be binding and obligatory; and the said corporation shall have their action at law or in equity, to compel a compliance therewith: Provided, That no such contract, relinquishments, gifts, grants, donations or bequests, shall be in writing, and signed by the party making the same.

SEC. 15. That whenever said corporation shall have procured the right of way, as herein provided, they shall be seized, in fee simple, of the right to said land, and shall have the sole use and occupation of the same for the purposes aforesaid, and no person, body politic or corporate, shall in any way interfere with, molest, disturb, or injure the corporation, in any of the rights and privileges granted.

Sec. 16. When the road is located, it shall be the duty of the corporation to cause a plat of the same to be recorded in the recorder's office of the county in which the road lies, and upon that plat shall be distinctly designated and described all lands and lots of land the property of others taken and appropriated for the use of the company, and the owner's name as the title appears of record; and any one who may consider himself aggrieved by the condemnation of his property, as aforesaid, may, within six months thereafter, make application to any justice of the peace of the county to assess his damages in the manner prescribed in the next section, and from and after the location of said road and the adjustment of all damages in consequence, it shall not be lawful for said corporation to alter or change any part of said location, unless said corporation pays the owners of land on said changed route, the amount of damages they may sustain by such relocation.

Sec. 17. Said corporation, by their president, directors, agents, or servants, or any of them, may agree with the owner or owners of any land, earth, timber, gravel, or stone, or other materials, or any improvements which may be wanted for the construction or repair of any of said road, or any of their works, for the purchase, or use and occupation of the same; and if they cannot agree, and if the owner or owners of any of them be a feme covert, under age, non compos mentis, or out of the country in which the property wanted may lie, when such land or materials shall be wanted, application may be made to any justice of the peace in the county where such land or materials shall lie, who shall thereupon issue his warrant, under his hand and seal, directed to the sheriff of said county, requiring him to summons a jury of twenty inhabitants of said county, not related to or in any wise interested, to meet on the land or near to the other property or materials to be valued, on a day named in said warrant, not less than ten nor more than twenty days after the issuing of the same; and if at said time and place, any of said jurors summoned do not attend, the said sheriff shall summon, immediately,

as many jurors as may be necessary with the jurors in attendance. to furnish a panel of twenty jurors in attendance; and from them each party, its, his, or her, or their agent, if either be not present in person or by agent, then the sheriff, for it, him, or her, may strike off four jurors, and the remaining shall act as the jury of inquest of damages; and before they act as such, the said sheriff shall administer to each of them an oath, or affirmation, as the case may be, that he will justly and impartially value the damages which the owner or owners will sustain, by the use or occupation of the land, materials, or other property required by the company; and the jury estimating such damages, shall take into the estimate the benefit resulting to the owner or owners from the construction of the said railroad through, along, or over the property of said owner or owners; but only in extinguishment of the claim for damages; and the jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be returned by the said sheriff to the clerk of the circuit court of his county, and by such clerk filed in his office, and shall be confirmed by the circuit court of said county at its next session, if not sufficient cause to the contrary be shown; and when confirmed shall be recorded by said clerk, at the expense of said company; but if set aside by said court, for good cause shown, the said court shall direct another inquisition to be taken in the same manner as above prescribed; and such inquisition shall describe the property taken or the bounds of the land condemned; and the quantity or duration of the interest of the owner or owners in the same, valued for the company; and such valuation, when paid or tendered to the owner or owners of said property, or his, or her, or their legal representative, shall entitle the said company to the estate and interest in the same, thus valued, as full as if it had been conveyed by the owner or owners of the same; and the valuation if not received when tendered, may at any time thereafter, be received from the company, without cost, by the owner or owners, his, her, or their legal representative or representatives.

Sec. 18. That every president and director of said company, before he acts as such, shall swear or affirm as the case may be, that he will well and truly discharge the duties of his said office, to the

best of his skill and ability.

Sec. 19. That if any of the stock created by virtue of this act shall remain unsubscribed until after the election of the president and directors, as provided for in the sixth section of this act, the said president and directors, or a majority of them, shall have power to open books and received subscriptions to any of the capital stock of said company, which may remain unsubscribed for, or to sell, or to dispose of such unsubscribed stock, for the benefit of the company, for any sum not under its par value; and the purchasers or subscribers of stock shall have all the rights, powers, and privileges of original subscribers, and shall be subject to the same regulations.

Sec. 20. The stockholders shall have power at their first election of directors, to be held under this charter, to say whether subscripsee 25 Said company are authorized to borrow 18 and lend ino-

tions for stock shall be made in real estate, and if they shall so determine, or should the capital herein granted be deemed insufficient, then the said capital stock shall be increased so as not to exceed one hundred thousand dollars.

SEC. 21. Should it be determined by the stockholders aforesaid that subscriptions for stock may be made in real property, the said president and directors, or a majority of them, shall have power to increase the number of shares, to open books, and receive subscriptions for any of such additional shares in real estate. The person subscribing shall specify and describe the tract of land in writing, state its quantity and quality, his title, the value of the land, and nature of improvements, and his residence, to which his name shall be signed, and all certificates for stock issued for real estate shall specify, as near as may be, the tract, and shall be subject to all equities arising from misrepresentation, but no real estate shall be received but such as lies in the county of Warrick, such as is free of all incumbrance, and at such price and value as shall be satisfactory to the president and directors or a majority of them; all conveyances made in pursuance of this section, shall be to the president and directors of said company, and all sales, leases, deeds, conveyances, touching real estate, shall be made and executed by the president of said company under the said common seal of said corporation, and shall be attested by the clerk.

SEC. 22. It shall be lawful for said corporation to place on or prescribe the kind of carriages that may be used on said road, whether propelled by steam or other power, for the transportation of passengers, for all kinds of produce, lumber, goods, wares, and merchandize, or any other kind of property. And for this purpose the corporation may construct said road, with such locks, turns, gates, bridges, aqueducts, culverts, tol and ware-houses, as may be considered necessary for the interest of the company and the convenience of the public; and the corporation may charge tolls and freights on such part of the road as may be in a sufficient state for travel, although the whole be not finished; and they may charge for travel and transportation on the same, when it is graded and bridged, although the rails may not be so far laid as to admit carriages thereon.

Sec. 23. The corporation may charge and receive such tolls and freights for the transportation of persons, commodities, and carriages on said road, or any part thereof, as shall be for the interest of the company, and the same to change, lower, or raise at pleasure; *Provided*, That the rates established from time to time, shall be posted up in some conspicuous place or places on said road.

SEC. 24. It shall be the duty of the president and directors to cause a full statement of the affairs of the company to be made and exhibted to the stockholders at every annual election; and it shall be their duty, so soon as the nett profits will permit, to make such half yearly dividends as the interest and well-being of the company shall permit, at such times and places as they shall appoint.

Sec. 25. Said company are authorized to borrow and lend mo-

ney, to purchase, hold, and dispose of real estate, and shall possess all necessary power to buy and sell goods, chattels, wares, and merchandize as shall be required to carry into effect the provisions of this act.

Sec. 26. The directors shall not issue or put into circulation any promissory notes, bills of exchange payable to order or bearer, unless by the unanimous vote of the board then being, and then only in the shape of an order drawn by the secretary in favor of the president and directors upon the treasurer, and bearing date of the day when ordered by the board, and said orders signed by the secretary, endorsed by the then president and directors, and accepted by the treasurer shall be taken and holden as payable to the bearer.

Sec. 27. It shall be good and sufficient service of process on the corporation hereby created to execute the writ or notice on the president or secretary, and a majority of the directors for the time being, and in any suit upon the orders drawn as aforesaid, a like service shall be good and sufficient to warrant and justify not only a judgment against the corporation, but also against the officers, as hereinafter directed.

Sec. 28. The orders drawn as aforesaid shall be taken and held to be the joint and several promises of the said corporation, and the said president, directors, secretary, and treasurer, and upon default of payment on demand of the treasurer, the order or orders shall be taken and holden in any court having jurisdiction to be a good and sufficient statement and cause of action without any declaration or allegation of default, and upon service of process as aforesaid upon the parties thereto, or a majority of them (these being officers) such proceedings shall be had as though they and each of them were jointly and severally bound with the said corporation, and been each of them personally served with process, and judgment and execution shall go accordingly.

SEC. 29. The stockholders shall be liable for all orders drawn by the secretary as aforesaid in their corporate capacity, upon default of corporate effects to pay the same, to the amount of stock subscribed.

Sec. 30. The corporation shall commence the location of said road at Boonville within two years, and shall grade and bridge the same to the Ohio river within four years, and shall have full power and authority to charge for travel and transportation on the same in that state.

Sec. 31. If any person shall knowingly and wilfully injure or obstruct said road, or any part thereof, or shall break, destroy, or deface any work, edifice, device, toll, or warehouse belonging thereto, he, she, or they so offending shall pay to the said corporation three times the amount of damages actually done, to be recovered by the corporation before any court of competent jurisdiction with costs: *Provided*, All actions as aforesaid, commenced by said corporation, and all actions commenced against said corporation for recovery of damages, shall be commenced within six months from the time the cause of action accrued, and not after.

CHAPTER CCLXXXV.

An Act to incorporate the Anderson River Bridge Company.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That all persons who shall become stockholders pursuant to the provisions of this act, be, and they are hereby constituted a body corporate and politic, by the name of the "Anderson River Bridge Company," and by that name may sue and be sued, either by law or equity, in any court having jurisdiction of the subject matter in controversy; and said company shall have authority to make such by-laws, rules, and regulations not inconsistent with the constitution and laws of this state and the United States, as shall from time to time be found necessary to promote the object and interests of said company.

Sec. 2. That John P. Dunn, Frederick Conner, and R. G. Cotton of Perry county; and Isaac Jennings, Moses B. Niles, and Felix W. Porter of Spencer county, or any of them, are hereby authorized to procure and open a book for the subscription of stock, in shares of five dollars, payable as may be deemed most proper for the ad-

vancement of the object of said corporation.

Sec. 3. So soon as the sum of one thousand dollars shall have been subscribed, the person or persons having the book containing the same in his or their possession, shall call a meeting of such subscribers, giving notice of the time and place, by putting up six manuscript advertisements in six of the most public places in Perry county, and six of the same kind, in six of the most public places in Spencer county, at least two weeks previous thereto, and said subscribers when so convened shall choose out of their own number, five directors who shall be chosen from Perry and Spencer counties, two from one of said counties and three from the other, who shall serve as such for one year, and until their successors are chosen and qualified; and a majority of such directors shall constitute a quorum for the transaction of business, choose and appoint one of their own body as president, and such other officers as they may think necessary for the proper and efficient transaction of the business of said corporation.

Sec. 4. The directors shall determine the amount to be subscribed for the erection and completion of a good substantial bridge across Anderson river at or near the mouth of said river, which amount shall be subscribed previous to the commencement of the

erection of said bridge.

SEC. 5. The subscribers shall annually after their first meeting, meet at such places as may be there agreed upon, and choose directors, each subscriber being entitled in all cases to a number of votes equal to the number of his shares.

SEC. 6. The president of said corporation may bring suit in the name of the corporation against any subscriber failing to pay his subscription, in any court of competent jurisdiction, and such court shall hear and determine the same as other suits are heard and determined.

Sec. 7. No failure to choose directors shall cause a dissolution of said corporation, but those directors last chosen shall continue in office until others are chosen, and a majority of such directors shall have power to appoint from among the members of the corporation persons to fill all such vacancies of directors as may occur from

death, removals, or resignation.

SEC. 8. The right of subscribing stock for said corporation shall be equal to the citizens of said counties; that is, each of said counties (Perry and Spencer,) or their citizens the right of subscribing an equal amount, if subscribed by the first day of June 1848, after which time any person or persons may subscribe, residing wheresoever they may; and further, the counties of Perry and Spencer reserve the right of purchasing said bridge any time after its completion, by paying said corporation the true cost of said bridge including the interest on the same.

SEC. 9. Whenever said bridge is completed, said corporation may erect a gate upon the same, and demand and receive such rates of toll for crossing said bridge, as shall be agreed upon by the directors; Provided, Such rates of toll are made out and entered in the corporation book, a copy thereof filed in the office of the clerk of the Perry circuit court, and another copy filed in the office of the clerk of the Spencer circuit court, and another be continued conspicuously posted up at the gate of said bridge, and: Provided further, That the rates of tolls so fixed, shall in no case be inreased during the next year, and if subsequently increased, the public to be notified thereof as in this section provided.

Sec. 10. After the erection of said bridge and gate, if any person shall willfully injure the same, the person or persons so offending shall forfeit and pay to said corporation treble the damage done, to be recovered by said corporation by action of debt in any

court of competent jurisdiction.

Sec. 11. If any person shall forcibly pass, or having passed over said bridge shall fail to pay when demanded, the tolls fixed by said directors as provided by this act, such person shall forfeit and pay treble the amount of such toll, to be recovered in like manner as

provided by the tenth section of this act.

SEC. 12. If any toll collector or receiver shall unreasonably delay or hinder any passenger at said gate, in his, her, or their passage over said bridge, or shall receive or demand more than the rate of toll fixed upon by the directors as in this act provided, he or she so offending shall forfeit and pay to the person or persons so imposed upon, the sum of three dollars, to be recovered by action of debt before any justice of the peace of the proper township.

Sec. 13. It shall be the duty of the said corporation to keep an

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accurate account of all expenditures in the construction, repairs, and management of said bridge, and also of all receipts for tolls; and at the end of each year after the completion thereof, and after the payment of expenses for repairs and management, strike and pay over dividends to subscribers, a report of which shall be made to the General Assembly of the State of Indiana whenever required.

SEC. 14. This General Assembly reserves the right at any session thereof after the erection of said bridge, to restrict said corporation as to the rate of tolls to be charged for crossing said bridge.

Sec. 15. Said corporation shall so construct the said bridge across Anderson river as not to interfere with the navigation thereof, any thing in this act to the contrary notwithstanding.

Sec. 16. The counties of Perry and Spencer reserve the right to purchase said bridge at any time when they wish so to do, by paying the said corporation the cost of said bridge, and interest on the same, for the purpose of making said bridge free and clear of toll to all intents and purposes.

SEC. 17. This act to be in force from and after its passage.

CHAPTER CCLXXXVI.

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An Act to incorporate the Town of New Columbus, in the County of Madison.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Granville G. Hildreth, Joseph Peden, Corbin Jackson, David Fessler, and William Malone, be, and they are hereby appointed trustees of the town of New Columbus, in the county of Madison, to serve as such until the first Monday in August, 1848, and until their successors are chosen and qualified as hereinafter directed.

Sec. 2. Said trustees and their successors in office shall be, and they are hereby declared to be a body politic and corporate, with perpetual succession, by the name and style of the President and Trustees of the town of New Columbus, and by their corporate name shall be capable both in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any and all courts of competent jurisdiction; and said trustees and their successors shall have full power to ordain, enact and establish, and put in execution all such laws, ordinances, and regulations as they shall deem necessary for the police, good government, and order of said town, subject to the limi-

tations hereinafter provided, and not inconsistent with the constitution and laws of the United States, and of this state. The limits of said corporation shall be one half mile from east to west, that is to say, one fourth of a mile east, and one fourth of a mile west, from the centre of said town, and from the extreme southern limits of said town north to Fall Creek.

Sec. 3. On the first Monday in August 1848, and annually thereafter, there shall be an election held in some convenient place in said town, to be designated by the president and trustees for said corporation; at which election all white male citizens of said town, possessing the qualifications for voters for state and county offices, who shall have resided within said corporation for three months next preceding said election, shall be entitled to vote, and it shall be the duty of the president and trustees to give ten days' notice of the time and place of holding such election, by posting up in three public places in said town, written or printed notices of such election.

Sec. 4. The president of said board of trustees, or in his absence, any one of the trustees shall act as inspector of such election, and shall appoint two of the voters of said town as judges of such election, together with the necessary clerks, who shall thereupon receive the votes of the voters of said town, for five trustees to serve as such for the ensuing year, and until their successors shall be chosen and qualified: *Provided*, That should anything occur to prevent said election being held at the time specified herein, that the trustees shall direct an election to be held at a subsequent time to be by them specified, which election shall be conducted as is above provided.

SEC. 5. It shall be the duty of the inspector and judges of said election, to certify under their hands and seals, to the election of those persons who shall receive the highest number of votes, a copy of which certificate shall be furnished to each of the persons elected, and shall also be recorded upon the minute book of said trustees. The said trustees thus elected, shall within twenty days after such election, take an oath or affirmation to faithfully discharge their duties as such trustees, and elect one of their number as president, whose duty it shall be to preside at all meetings of the board, preserve order, sign the journal of their proceedings, and all by-laws and ordinances which may be adopted.

Sec. 6. A majority of the trustees shall constitute a quorum, and shall meet upon their own adjournments, and appoint all officers necessary to carry into effect the provisions of this act, and make them such compensation as to them may seem reasonable. No person shall be eligible to the office of trustee in said corporation, unless he be a qualified elector, and a freeholder or house holder, within the bounds of said corporation. When vacancies happen by death, resignation, or otherwise, they shall be filled by appointment of the residue of the trustees, until the next annual election.

Sec. 7. The president and trustees shall have full power and authority to levy and assess, and collect annually from each male inhabitant of said town of full age and not a pauper, a poll tax not exceeding fifty cents in any one year, and also a tax on real property of every description within the corporation, and upon such goods and chattles as they shall from time to time designate, not exceed-

ing one half of one per centum on the cash value thereof.

Sec. 8. Said president and trustees shall in the month of June, in the year 1848, and yearly after, determine what goods and chattles, if any, shall be assessed and taxed, also what amount of poll tax shall be assessed, and what amount in the valuation shall be assessed and collected upon the real estate within said corporation, and enter the same upon their record, and shall thereupon appoint an assessor, who shall assess the inhabitants liable to a poll tax, and also appraise and assess the property liable to taxation as aforesaid. Said assessor shall give bond in the penalty of three hundred dollars, payable to said president and trustees, and conditioned for the faithful discharge of his duties, and shall also take an oath for the due performance of the same, and upon any failure on the part of such assessor faithfully to perform the duties of his said trust, the president and trustees shall bring suit upon his bond, in the circuit court, and recover damages for the breach thereof. It shall also be the duty of such assessor to complete and return such assessment within thirty days from the time of his appointment.

Sec. 9. As soon as said assessment is returned, it shall be the duty of the president and trustees to appoint a collector for said corporation, who shall give bond in such sum as the president and trustees may direct, with security to their approval, conditioned for the faithful discharge of his duties as such collector, and for the prompt payment of all moneys which he may collect. And thereupon the clerk of said board shall forthwith, make and deliver to such collector, a copy of the assessment roll returned by the assessor, and the delinquent taxes of any preceding years, together with a precept under the seal of the president and trustees, commanding him in the name of the president and trustees of the town of New Columbus, to proceed to collect the taxes charged upon such assessment roll, and to return said assessment roll with his doings thereon, on or before the first day of March then next ensuing.

Sec. 10. The collector shall after receiving such assessment roll demand payment of the taxes of the persons thereon charged respectively, or by calling at their usual place of residence, and if the same shall not be paid on or before the first Monday in January next, after receiving such assessment roll, the collector shall proceed to collect the same by distress and sale of the goods and chattels of the person charged therewith, giving ten days' notice of the time and place of such sale, by three written advertisements put up in

some public place in said town.

Sec. 11. If no goods and chattels can be found, out of which to make the taxes due from any person as aforesaid, the collector after giving three weeks notice in any newspaper which may be published in said town, or if no newspaper shall be published therein, then by written or printed advertisements put up in three public places in said town, shall on the fourth Monday in January, between the hours of ten o'clock A. M. and four o'clock P. M. of said day, proceed to sell at public auction, on the premises, the rents, and profits of all such lands, tenements, and hereditaments, as may be found in said town, being the property of said person from whom said taxes may be due, for the shortest time the same can be sold for, and produce an amount sufficient to discharge said taxes and costs of such sale: Provided, Said time shall not extend beyond seven years; and in case the sale of rents and profits will not produce the sum required, the collector shall sell the fee simple or the entire interest of the owner thereof, to the highest bidder for cash in hand, or so much thereof where the same can be conveniently divided, as will be sufficient to pay said taxes and costs, and after deducting the taxes and cost aforesaid, shall pay the residue, if there be any, to the person thus charged with the taxes.

SEC. 12. In case of the sale of the rents and profits of any property, as is provided for in the preceding section, the collector shall give to the purchaser a certificate of the sale, describing the property sold, the period for which it was sold, and specifying the amount of taxes and costs for which it was sold, which certificate shall vest in the purchaser an indefeasible title to the property for the term therein specified: Provided, however, That any person interested therein, may redeem said property so sold, by paying to the purchasers thereof, or to the clerk of said board of trustees within two years from such sale, the amount for which the same was sold, together with fifty per centum thereon, and all taxes thereon which shall have accrued and been paid by such person since such sale.

Sec. 13. In all cases of the fee simple of any lands, tenements, and hereditaments, as hereinbefore provided, the collector shall execute to the purchaser a conveyance therefor, which conveyance shall invest in the purchaser an indefeasible title to the property so sold; and such conveyance shall be prima facia evidence of the correctness of such proceedings: Provided, That any person interested therein may redeem the property so sold, according to the

provisions of the preceding section.

SEC. 14. The collector, besides the costs of printing, shall be allowed ten per centum on all taxes collected by distress and sale of either real or personal property, to be paid out of the proceeds of said sale, as a compensation for such service; and he shall specify in his return of the precept, what taxes have been collected thus, describing the property sold, and the name of the purchaser. He shall also in said return, state what taxes remain unpaid for want of property, and shall attach to said return an affidavit of its truth.

Sec. 15. The president and trustees shall have full power to refund any money wrongfully collected as taxes, and to correct any

assessment or tax list.

Sec. 16. The president and trustees, in addition to the powers hereinbefore granted, shall have the management and control of the finances, and all the property both real and personal belonging to the corporation, and shall have power within the limits of said town, to make, establish, publish, alter, amend, and repeal ordinances, rules, regulations and by-laws, for the following and other pur-

First. To prevent, sustain, prohibit, and punish all descriptions

of gaming in said town.

Second. To grant license for, or prohibit the exhibition of common showmen, and of shows of every kind, or exhibition of natural or artificial curiosities, caravans, equestrian or theatrical perform-

Third. To prevent any riots or disturbance, or disorderly assemblies in said town.

Fourth. To regulate the keeping and storing of gunpowder and other combustibles and dangerous materials, and the use of candles and lights in barns and stables.

Fifth. To prevent immoderate riding or driving in any of the streets of said town.

Sixth. To prevent the incumbering of streets, side walks, and alleys, with carriages, wagons, carts, sleighs, sleds, wheelbarrows, boxes, lumber, firewood, building materials, or any other substance

Seventh. To prohibit any person bringing, having, or depositing within the limits of the town, any dead carcass, or other unwholesome substance, and to require the removal or destruction of the same by the person on whose premises the same may be found.

Eighth. To abate and remove nuisances, to prevent or punish obscene exhibitions; and for this purpose the jurisdiction of said corporation is extended to the distance of one half a mile beyond the limits of said town in every direction.

Ninth. To provide for the burial of the dead, and for the security and sanctity of public burying grounds.

Tenth. To establish a market for the sale of provisions, and to prescribe all necessary regulations for the same.

Eleventh. To provide by insurance or otherwise for the security of the property of the corporation.

Twelfth. To prevent the firing of guns, pistols, and prohibit all fireworks within said town.

Thirteenth. To restrict or prohibit the exhibition of stud horses

within the streets of said town.

Sec. 17. The president and trustees shall have power, from time to time, to appoint such marshals, constables, or other officers as they may deem necessary to carry out and enforce all orders, ordinances, by-laws, decrees, or regulations of said corporation, to prescribe their duties, and regulate their compensation, and remove all such officers at pleasure.

Sec. 18. The president and trustees shall have power to grant license for the retailing of spirituous liquors within said town, and shall charge for such license any sum not exceeding twenty-five dollars for one year, and any person who shall retail any spirituous liquor within the limits of said town, without first having procured a license from said president and trustees, notwithstanding such person may have a license from the board doing county business, shall be liable to indictment, and upon conviction shall be fined for each offence, in any sum not less than two nor more than twenty dollars: Provided, That the provisions and restrictions of the general laws of the State of Indiana, on the subject of licensing groceries and taverns to retail spirituous liquors, shall in all things be complied with, before said board of trustees shall be permitted to grant such license.

Sec. 19. The president and trustees may do and perform all things necessary to carry into effect the powers granted to them by this act, and enforce obedience of all rules, ordinances, by-laws, and police regulations, made in pursuance of this act, by imposing penalties for the violation thereof not exceeding fifty dollars for any one offence, to be recovered in the name of the president and trustees of the town of New Columbus, before any justice of the peace in Madison county, in an action of debt, with costs of suit.

Sec. 20. Every such ordinance, by-law, police regulation, or decree, imposing any penalty or forfeiture for a violation of its provisions shall, after its passage or adoption, be posted up in three public places in said city, or published two weeks in a newspaper, if any be printed in said town, at the option of the president and trustees.

Sec. 21. In all actions brought to recover any penalty or forfeiture incurred by the violation of any ordinance or by-law made in pursuance of this act, it shall be lawful to declare in debt generally for such penalty or forfeiture, stating the by-law, ordinance or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence, and the defendant in like manner may plead the general issue in such action, and give any special matter of defence in evidence.

Sec. 22. The first process in any such action shall be by summons, and execution may be issued immediately on the rendition of judgment; and all expense incurred by prosecution, for recovery of any fine or forfeiture as aforesaid, shall be defrayed by the corporation; and all penalties and forfeitures when collected, shall be paid into the treasury thereof for the use of the corporation.

Sec. 23. The said president and trustees shall have the sole and exclusive control over all the streets, alleys, and lanes of said town, with full power, from time to time, to open, grade, pave, and improve the same, and when it will improve said town, to close and vacate any street or alley, and open others more beneficial to the citizens generally, and to sell, buy, and transfer any and all sites for such streets and allevs.

Sec. 24. This act shall be deemed and taken to be a public act, and shall be favorably construed for every beneficial purpose, and shall be in force from and after its passage.

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CHAPTER CCLXXXVII.

An Act to legalize the sale of real estate by Peter F. Navare, jun.

[APPROVED FEBRUARY 12, 1848.]

Whereas, Peter F. Navare, jun., of St. Joseph county, a half-blood Pottawatamie Indian, did, on the eleventh day of November, A. D. 1847, in consideration of eleven hundred and fifty dollars, bargain and sell unto John M. Miller, of said county, the following described land, in fee simple, to wit: Commencing on the section line on the south side of section No. 17, in township No. 37 north, of range No. 3 east, at the south-east corner of a certain forty acre tract of land heretofore sold and deeded to one Eliza B. Delamater, on the 23d day of July, 1846, in said section 17; thence east on said section line to the south-east corner of said section; thence north on the said line of said section to the south east corner of a certain ten acre tract of land, heretofore sold to one Jonathan A. Liston, on the 27th day of December, A. D. 1842; thence west 7 chains and 68 links to the south-west corner of said ten acre tract, sold to said Liston; thence north on the line of said Liston tract to the St. Joseph river; thence down said river on its margin as it meanders to the north-east corner of said forty acre tract sold to Eliza B. Delamater, thence south on the line of said forty acre tract to the place of beginning-containing 118 acres, be same more or less; Therefore,

Indiana, That the said bargain and sale, made as aforesaid be, and the same is hereby, legalized so far as any disability may have heretofore existed in the said Peter F. Navare, jun., by virtue of the third section of chapter 28, part 2, article 1, of the Revised Statutes of 1843.

Sec. 2. This act shall be in force from and after its passage.

CHAPTER CCLXXXVIII.

An Act to give additional copies of the Revised Statutes of 1843 to Randolph county.

(APPROVED FEBRUARY 16, 1848.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the treasurer of Randolph county be, and he is hereby, required to deliver to the clerk of said county, upon demand, one dozen copies of the Revised Statutes of 1843, for the use of said county, and the receipt of said clerk shall be sufficient acquittance for said treasurer upon settlement therefor.

SEC. 2. This act shall be in force from and after its publication.

CHAPTER CCLXXXIX.

An Act for the relief of Joseph I. Stretcher and Kobert N. Allen, commissioners appointed by the governor, under a joint resolution of the last session of the general assembly, providing for the removal of the remains of the late Hon. Tilghman A. Howard from the State of Texas to the State of Indiana.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the treasurer of state pay out of any moneys in the treasury not otherwise appropriated, the sum of one hundred and sixty dollars and twenty-six cents to Joseph I. Stretcher, of Marion county, and the sum of one hundred and sixty dollars and twenty-six cents to Robert N. Allen, of Parke county, for their services as commissioners, appointed by the governor, under a joint resolution relative to the removal of the remains of the late Hon. Tilghman A. Howard, appproved January 26, 1847, under which appointment they proceeded to remove the remains of General Howard from the State of Texas to this state, which allowance is in addition to the sum of one hundred and eleven dollars and forty-eight cents already received by them for such services.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCXC.

An Act to define the width of roads in Clinton county.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That all state roads in the county of Clinton be, and they are hereby, declared to be 60 feet in width, and that all county roads shall be of the width of forty feet.

SEC. 2. This act to take effect and be in force from and after its

passage.

CHAPTER CCXCI.

An Act to authorize Aaron Houghton, administrator of the estate of William Harris, deceased, to compound a certain claim.

[APPROVED FEBRUARY 16, 1849.]

Whereas, Aaron Houghton, administrator of the estate of William Harris, late of the county of Martin, deceased, by the judgment of the circuit court, at the May term thereof, in the year 1842, recovered, in an action of debt, against one Elias Best, James Best, John A. Best, Jacob Best, Harvey Manning, James Horsey, Jacob Elliot, John Greenstreet, and Walter Franklin, for about the sum of five thousand dollars: AND, WHEREAS, The said defendants to said judgment are wholly insolvent, or nearly so: Therefore,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the said Aaron Houghton, administrator as aforesaid, with the approbation of the proper probate court, may compound the said payment with the said defendants in said judgment, and give them a discharge, upon receiving the avails agreed upon in such compounding, or upon the payment of the same being sufficiently secured.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCXCII.

An Act requiring the School Commissioner of the County of Marion to give Bond and take an Oath of Office.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the school commissioner of the county of Marion, shall, before entering upon the duties of his office, take an oath faithfully and impartially to discharge the duties of his office and to support the constitution of the United States and of this State, and give bond payable to the state of Indiana, for the use of congressional townships within his jurisdiction, in the penalty of twenty thousand dollars, with at least six good freehold sureties, to be approved of by the board of county commissioners of said county, conditioned for the faithful discharge of the duties of his office, and for delivering over to his successor all moneys, papers and books that may come into his hands as such commissioner, and also that the legislature may at any time during the continuance of said bond, alter, modify, or repeal any law in force, and enact any and all laws, at the pleasure of the legislature, without in any way or manner releasing the said officer or his sureties on said bond. Said bond shall be filed in the auditor's office.

Sec. 2. That this act be in force from and after its passage, and a copy thereof shall [be] filed in the office of the auditor of said

county.

CHAPTER CCXCIII.

An Act for the Relief of James Van Blaricum.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the treasurer of state be directed to pay to Robert B. Duncan, clerk of the Marion circuit court the sum of fifty-one dollars and thirty-seven cents, being the amount of costs adjudged to be paid by the state of Indiana by the supreme court of Indiana, in the case of James Van Blaricum against the state of Indiana.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCXCIV.

An Act to authorize the Location of a State Road on the County line of Porter and Lake
Counties.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Thomas Watts and William A. Nichols of Lake county, and Philo Shepherd of Porter county be and are hereby appointed commissioners to locate a state road on the county line of Porter and Lake counties, commencing at the state road leading from Valparaiso to the Kankakee rapids, thence north as near the county line as the nature of the ground will permit, to the state road leading from Michigan city to the Western line of the State.

SEC. 2. The said commissioners shall commence and locate said road by the first day of October next, and shall receive one dollar per day for their services, one half to be paid by Lake county and

one half by Porter county.

CHAPTER CCXCV.

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An Act to revive an Act entitled "An Act to provide for a more uniform mode of doing Township Business in the several Townships in the several Counties therein named," approved February 17, 1838.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the aforesaid act be and the same is hereby revived so far as the townships of Wayne and Union are concerned in the county of Fulton.

SEC. 2. All laws and parts of laws contravening the provisions of this revived act be and the same [are] hereby repealed.

Sec. 3. This act to be in force from and after its passage.

CHAPTER CCXCVI.

An Act to authorize the Agent of State to settle with John Burke, for certain House Rent.

[APPROVED FEBRUARY 16, 1848.]

Section. 1. Be it enacted by the General Assembly of the State of Indiana, That the agent of state be and he is hereby authorized to settle with John Burke, for the rent of a certain house belonging to said Burke in Andersontown, and occupied by the state from the year 1840, until the month of July, 1847.

SEC. 2. Said agent is hereby authorized to pay said John Burke any amount that may be found due him on such settlement, out of any moneys which may be in the hands of such agent, belonging

to the state of Indiana.

Sec. 3. This act to take effect and be in force from and after its passage.

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tulement, in expression of the section may require such in-

CHAPTER CCXCVII.

An Act to repeal "An act to restrict the grand jury, in Franklin county, to a limited time in their sessions," approved January 13, 1845.

[APPROVED JANUARY 29, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the act to restrict the grand jury of Franklin county to a limited time in their session, approved January 13th, 1847, be, and the same is hereby, repealed.

Sec. 2. That the General Laws of the State, regulating the summoning, empanneling, and sessions of grand juries shall be in force

in said county of Franklin.

Sec. 3. This act shall be in force from and after its passage.

Assembly, or rither house thereof, whehever somired so to do; and

CHAPTER CCXCVIII.

An Act to incorporate the Vermillion Academy.

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That William B. Hall, Charles S. Little, and Thomas C. W. Sale be, and they are hereby, constituted and appointed trustees of the literary institution, by the name and style of the Vermillion Academy, and by that name shall be a body corporate, shall have perpetual succession and a common seal, may contract and be contracted with, grant and receive, sue and be sued, implead and be impleaded, in all courts and places.

SEC. 2. When a vacancy shall happen in the board of trustees by death, resignation, removal or otherwise, the remaining trustees, or a majority of them, shall have full power and authority to appoint a suitable person to fill such vacancy, and may at their discretion, appoint an additional number of trustees whenever in their judgment the exigencies of the institution may require such increase; all trustees so appointed shall have the same rights, powers,

and privileges, as if they were named in this act.

Sec. 3. The person first named herein, or in case of his absence, the next named, shall give notice of the time and place of the first meeting of the board of trustees, and on the attendance of a majority thereof, they shall appoint a president, and adopt such regu-

lations for their government as they may deem expedient.

Sec. 4. The board of trustees shall have full power to receive, hold, manage, and govern all the property of the Vermillion Academy, real and personal; to appoint such officers as they shall judge convenient and useful, and to displace the same; to remove a trustee for any cause which they may deem sufficient, two-thirds of the number concurring; to define the qualifications of a trustee; to enact and enforce all such statutes and ordinances as they shall judge convenient and useful, as well as for the better management of the revenues and proprietary interests of the academy, as for the advancement of science and learning, so that the same may not be repugnant to the laws of the state, nor injurious to the rights of conscience; to distinguish merit by conferring such literary and scientific degrees, honors, and rewards as they may deem proper, and generally to have and enjoy the rights and privileges usually exercised by academies.

Sec. 5. A majority of the whole number of trustees, for the time being, shall be a quorum, and shall be capable of exercising all the

powers, and transacting all the business of the board.

Sec. 6. The said board of trustees shall keep a fair record of all its corporate acts, and shall lay a copy thereof before the General Assembly, or either house thereof, whenever required so to do; and the General Assembly reserves the right to alter or repeal this

charter whenever it shall be of opinion that the said academy has failed to accomplish the beneficent purpose for which it was created; but in case of dissolution, as the state has not endowed said academy, its property, after the payment of its debts, shall vest in, and be subject to the disposal of the individuals at the time composing said board of trustees.

SEC. 7. This act to be in force from and after its passage.

CHAPTER CCXCIX.

An Act for the relief of the heirs of John Widney.

[APPROVED FEBRUARY 15, 1848.]

Whereas, John Widney, late of Franklin county, Pennsylvania, died intestate, but a few days prior to his contemplated removal to this state: And Whereas, The heirs at law of said decedent immediately after such decease removed to De Kalb county, in this state, said county being at that time (eleven years ago) new, and the probate court not fully established: And Whereas, Said heirs, through necessity, and for the subsistence of the family, disposed of money and property belonging to said estate, to the mutual satisfaction and advantage of all concerned: And Whereas, Said estate has since been lodged in the probate court of De Kalb county, but, from the illegality of former proceedings, no disposition has been or can be made by said [court] without serious injury and great expense to said estate: Therefore,

Section 1, Be it enacted by the General Assembly of the State of Indiana, That the partition, settlement, and division of the estate of said John Widney among the heirs, so far as said estate is situated in the state aforesaid, be, and the same is hereby, confirmed and legalized, and that the probate court of De Kalb county is hereby discharged from all further action on account of said estate.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCC.

An Act to amend an act to incorporate the Madison, Lexington, and Brownstown Turnpike
Company

[APPROVED FEBRUARY 16, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the twenty-ninth section of an act to incorporate the "Madison, Lexington, and Brownstown Turnpike Company," which passed the present session, be, and the same is hereby, repealed.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCCI.

An Act to extend the time of collecting the taxes in Dearborn county.

[APPROVED JANUARY 31, 1848]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the time fixed by law for the settlement of the taxes of the year 1847 be, and it is hereby, extended until the third Monday in March, 1848, in said county.

Sec. 2. That the treasurer of said county shall keep the duplicate of taxes of 1847 at his office in the town of Lawrenceburgh, for the purpose of receiving taxes of said year, until the second Monday in February next, and said treasurer shall not receive any penalty or costs on taxes which shall be paid by said last mentioned time.

Sec. 3. That nothing in this act contained shall be construed to effect the liabilities of the securities on the bond of the said treasurer.

Sec. 4. This act shall be in force from and after its passage.

CHAPTER CCCII.

An Act authorizing Peter King to build a mill dam across the Mississinewa river in Wabash county.

[APPROVED FEBRUARY, 9, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Peter King, of the county of Wabash, and State of Indiana, is hereby authorized to erect and keep in repair a mill dam across the Mississinewa river at any point on said river where he may be the owner of land on either side, and that he may raise it of sufficient height to propel any machinery he may erect.

SEC. 2. This act shall be in force from and after its passage and publication in a public newspaper, and a copy filed in the clerk's office of Wabash county.

CHAPTER CCCIII.

An Act for the relief of Michael Hedakin and others.

[APPROVED FEBRUARY 11, 1848.]

Section 1. Beit enacted by the General Assembly of the State of Indiana, That the alley in the city of Fort Wayne, Allen county, heretofore opened and used as an alley, fourteen feet wide, and being equally distant from Main and Columbia streets, and running east from Barr to Lafayette street, be, and the same is hereby, declared a public alley for all purposes, the same as if said alley had been specified and recorded with the original plat of the town of Fort Wayne and the county addition thereto, as far as the same is located in each respectively.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCIV.

An Act to change the name of the town of Springfield, in Whitley county, to the name of Cherry Valley.

[APPROVED FEBRUARY 9, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the name of the town of Springfield, in Whitley county, be, and the same is hereby, changed to the name of Cherry Valley.

SEC. 2. This act to be in force from and after its passage. and od monidants vor longer of Mysial traduces

CHAPTER CCCV.

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An Act to repeal an act entitled "an act for the relief of the Miami Indians," approved February 3, 1841.

[APPROVED FEBRUARY 11. 1848.]

Settion 1. Be it enacted by the General Assembly of the State of Indiana, That an act entitled "an act for the relief of the Miami Indians," approved February 3, 1841, be, and the same is hereby repealed.

SEC. 2. Be it further enacted, That an act entitled "an act relative to suits brought against the Miami Indians," approved February 11, 1843, be, and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

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CHAPTER CCCVI.

An Act to vacate a portion of a certain road therein named.

[APPROVED FEBRUARY 14, 1848.].

Sercion 1. Be it enacted by the General Assembly of the State of Indiana, That so much of the Parish Grove state road, as lies between the corners of sections twenty-eight, twenty-nine, thirty-two and thirty-three, in township twenty, north of range ten west, and the point where said road intersects the Covington and Danville state road, be, and the same is hereby vacated.

Sec. 2. This act to take effect and be in force from and after its publication. exemple an bigod range of of vigar of natinated bigo

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name in either of the said counties of Fanderburgh or Poser, that he

CHAPTER CCCVII.

An Act for the relief of the heirs of Anthony Schuetz; deceased.

[APPROVED FEBRUARY 9, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the title to all the lands of which Anthony Schuetz. late of Carroll county deceased, died seized shall vest in his heirs at law; in fee simple as fully and in the same manner, and subject to all the conditions and liabilities, as the same would have by law descended, had the said Anthony Schuetz, at the time of his death been a citizen of the State of Indiana.

SEC. 2. That the title to any lands of which the said Anthony Schuctz, deceased may have been seized in his lifetime, and which he may have bona fide, and for a valuable consideration, conveyed, shall vest in his grantee or grantees, or the subsequent assignee or assignees of such in fee simple, in the same manner as above.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Sec. 4. That in conveying water as specified in the first section

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and out through any street or aller within the present connected boundaries of Lafavelte; Portion That is disting and curing theoreth any of the streets and olleys there shall be no obstruction

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CHAPTER CCCVIII.

An Act regulating the width of roads and highways in the counti s of Vanderburgh and Posey

[APPROVED FEBRUARY 15, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the boards doing county business in the counties of Vanderburgh and Posey, shall have full power to increase the width of any public road or highway in their respective counties as aforesaid, to any width not exceeding eighty feet, in all cases when they shall deem the same advisable, upon the petition of twenty four free holders of the vicinity of said road; notice of such petition and intention to apply to the county board as aforesaid, shall be given as is now required by law for the location or vacation of roads.

SEC. 2. If any owner of lands over which any highway so widened, [shall pass,] shall complain to the board doing county business in either of the said counties of Vanderburgh or Posey, that he she or they are damaged by such widening, the board doing county business, shall appoint three disinterested freeholders to assess such damages, who shall be governed in all things by the provisions of the 19th and 20th sections of chapter 16, article first of the Revised Statutes of 1843.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCCIX.

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An Act to authorize Matthias Peterson to convey water into the city of Lafayette.

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[APPROVED FEBRUARY 5, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Matthias Peterson or his assigns are hereby authorized to convey in conduits and pipes, water into the city of Lafayette.

SEC. 2. That in conveying water as specified in the first section of this act, the said Matthias Peterson or his assigns, may ditch and cut through any street or alley within the present corporate boundaries of Lafayette; *Provided*, That in ditching and cutting through any of the streets and alleys there shall be no obstruction caused thereby to the passage of persons and property, and that

any and all streets and alleys shall be repaired and left in as good condition as before such work was done.

Sec. 3. That it shall be lawful for said Peterson or his assigns to charge any person or persons, such an amount for water conveyed to him or them, as specified in the first section of this act, as may be agreed upon by the parties.

Sec. 4. Should and person or persons refuse to pay the amount agreed upon, the said Matthias Peterson or his assigns may stop the supply of water to such person or persons, or recover the amount in an action of debt before any court of competent jurisdiction.

Sec. 5. That the said Matthias Peterson or his assigns may have the use of the writ of ad quad damnum for the purpose of having condemned a sufficient quantity of ground in conveying water into the city of Lafayette, and to erect reservoirs thereon.

Sec. 6. This act shall be in force from and after its passage.

Secretary L. Be it enerted by the General Assembly of the State of

Lacette. That the cale of all lands and town tota for non-payanent

er taxes in Adams consity which should have held made under

CHAPTER CCCX.

An Act for the relief of the city of Lawrenceburgh.

[APPROVED JANUARY 29, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That for the relief of the said city and of the sufferers by the late flood, it shall and may be lawful for the mayor and council of said city to impose and collect an additional tax on the taxable property within the same, not to exceed one per centum, to be expended by the city authorities in repairing the damages occasioned and supplying the wants of those who may have suffered by the late flood, or in providing means to prevent injury from a similar occurrence.

SEC. 2. That it shall be lawful for such tax to be continued from year to year, or a new one imposed and collected for the same or like purposes, or for any other special object of improvement on or relating to the business or interest of said city.

Sec. 3. No such tax shall be imposed by said city authorities unless authorized by a vote of those citizens owning two-thirds of the taxable property within said city.

Sec. 4. That for any of the purposes aforesaid said city authorities may borrow not exceeding the sum of ten thousand dollars, and issue therefor bonds of the city payable at such times and at such rates of interest, not exceeding six per centum, as may be agreed upon by the contracting parties; *Provided*, Authority be

given for making such loan by like vote as provided in the third section of this act.

Sec. 5. This [act] to be in force from and after its passage.

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CHAPTER CCCXI.

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An Act to postpone the sale of delinquent lands in Adams county, and for other purposes.

[APPROVED FEBRUARY 13, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the sale of all lands and town lots for non-payment of taxes in Adams county, which should have been made under existing laws on the first Monday of January, 1848, be, and the same is hereby, postponed until the first Monday in May of said year. That the settlement required by law to be made between the auditor and treasurer of said county be extended to the second Monday in May of said year, and the treasurer be allowed until the third Monday in June of said year to make payment of the state revenue to the treasurer of state.

SEC. 2. That no penalty or interest shall be charged or collected by the treasurer of said county on the taxes due for the year 1847,

until after the said second Monday in May, 1848.

This act to be in force from and after a copy thereof is filed in the clerk's office of said county.

CHAPTER CCCXII.

An Act to change the name of Lewis Myers to Lewis Myers Douglass

[APPROVED JANUARY 29, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the name of Lewis Myers, the adopted son of Robert L. Douglass, of Pleasant township, in the county of Steuben, Indiana, be, and the same is hereby, changed to the name of Lewis

Myers Douglass, and by the said name he shall be known and recognized.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCXIII.

An Act for the benefit of S. E. Warder and George Green.

[APPROVED FEBRUARY 5, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That S. E. Warder and George Green be, and they are hereby, allowed the sum of seventy-five dollars out of any money in the treasury not otherwise appropriated, and the same shall be paid by the treasurer on the presentation of the auditor's warrant, which warrant shall be issued on the passage and approval of this act.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCXIV.

An Act to authorize Ira Baily to build an arm to the Knightstown and Shelbyville railroad.

[APPROVED JANUARY 29, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Ira Baily be, and he is hereby, authorized to locate, build, and construct a railroad, to commence at some convenient point on the Knightstown and Shelbyville railroad, and to terminate at Freeport, or on the east bank of Blue river, in Shelby county, opposite Freeport; said road to be designated as the Freeport Arm of the Knightstown and Shelbyville Railroad.

SEC. 2. That said Baily is hereby invested with all the rights and privileges which have heretofore been granted, or may hereafter be granted, to the Knightstown and Shelbyville Railroad